



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2859

Introduced 2/17/2016, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

See Index

Amends the Freedom of Information Act. Provides that names and information of people who have applied for or received Certificates of Firearm Registration are exempt from public inspections and copying. Amends the State Finance Act. Creates the National Instant Criminal Background Check System Improvement Fund and the Illinois LEADS Information and Technology Improvement Fund. Amends the Firearm Owners Identification Act. Provides that the Act may now be cited to as the "Firearm Owners Identification Card and Certificate of Firearm Registration Act". Defines "Certificate of Firearm Registration" and "firearm". Prohibits any person in the State from carrying or possessing a firearm without a Certificate of Firearm Registration. Sets forth requirements concerning exemptions, applications for registration, registration fees, the distribution of moneys received from certain fees, and the denial of an application. Creates penalties for the possession of a firearm without a current certificate of registration, knowingly providing false or misleading information or evidence in connection with an application, and the failure to report to local law enforcement that a registered firearm is lost, stolen, missing, or destroyed. Sets forth procedures for the return of a certificate of registration for a firearm that is lost, stolen, or otherwise disposed of. Amends various Acts to make conforming changes.

LRB099 16419 RLC 40752 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by wireless
25 carriers under the Wireless Emergency Telephone Safety
26 Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability and Portability Act of 1996, Public Law
22 104-191, or any subsequent amendments thereto, and any
23 regulations promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards or
2 Certificates of Firearm Registration under the Firearm
3 Owners Identification Card and Certificate of Firearm
4 Registration Act or applied for or received a concealed
5 carry license under the Firearm Concealed Carry Act, unless
6 otherwise authorized by the Firearm Concealed Carry Act;
7 and databases under the Firearm Concealed Carry Act,
8 records of the Concealed Carry Licensing Review Board under
9 the Firearm Concealed Carry Act, and law enforcement agency
10 objections under the Firearm Concealed Carry Act.

11 (w) Personally identifiable information which is
12 exempted from disclosure under subsection (g) of Section
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure
15 under Section 5-1014.3 of the Counties Code or Section
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of an
23 eligible adult maintained in the Registry established
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
2 Act.

3 (aa) Information which is exempted from disclosure
4 under Section 2.37 of the Wildlife Code.

5 (bb) Information which is or was prohibited from
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) ~~(bb)~~ Recordings made under the Law Enforcement
8 Officer-Worn Body Camera Act, except to the extent
9 authorized under that Act.

10 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
11 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
12 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
13 revised 10-14-15.)

14 Section 10. The Department of State Police Law of the Civil
15 Administrative Code of Illinois is amended by changing Sections
16 2605-45, 2605-120, 2605-300, and 2605-595 as follows:

17 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

18 Sec. 2605-45. Division of Administration. The Division of
19 Administration shall exercise the following functions:

20 (1) Exercise the rights, powers, and duties vested in
21 the Department by the Governor's Office of Management and
22 Budget Act.

23 (2) Pursue research and the publication of studies
24 pertaining to local law enforcement activities.

1 (3) Exercise the rights, powers, and duties vested in
2 the Department by the Personnel Code.

3 (4) Operate an electronic data processing and computer
4 center for the storage and retrieval of data pertaining to
5 criminal activity.

6 (5) Exercise the rights, powers, and duties vested in
7 the former Division of State Troopers by Section 17 of the
8 State Police Act.

9 (6) Exercise the rights, powers, and duties vested in
10 the Department by "An Act relating to internal auditing in
11 State government", approved August 11, 1967 (repealed; now
12 the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

13 (6.5) Exercise the rights, powers, and duties vested in
14 the Department by the Firearm Owners Identification Card
15 and Certificate of Firearm Registration Act.

16 (7) Exercise other duties that may be assigned by the
17 Director to fulfill the responsibilities and achieve the
18 purposes of the Department.

19 (Source: P.A. 94-793, eff. 5-19-06.)

20 (20 ILCS 2605/2605-120) (was 20 ILCS 2605/55a in part)

21 Sec. 2605-120. Firearm Owners Identification Card and
22 Certificate of Firearm Registration Act. To exercise the
23 rights, powers, and duties that have been vested in the
24 Department of Public Safety by the Firearm Owners
25 Identification Card and Certificate of Firearm Registration

1 Act.

2 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
3 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
4 eff. 8-14-98; 91-239, eff. 1-1-00.)

5 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

6 Sec. 2605-300. Records; crime laboratories; personnel. To
7 do the following:

8 (1) Be a central repository and custodian of criminal
9 statistics for the State.

10 (2) Be a central repository for criminal history record
11 information.

12 (3) Procure and file for record information that is
13 necessary and helpful to plan programs of crime prevention,
14 law enforcement, and criminal justice.

15 (4) Procure and file for record copies of fingerprints
16 that may be required by law.

17 (5) Establish general and field crime laboratories.

18 (6) Register and file for record information that may
19 be required by law for the issuance of firearm owner's
20 identification cards under the Firearm Owners
21 Identification Card and Certificate of Firearm
22 Registration Act and concealed carry licenses under the
23 Firearm Concealed Carry Act.

24 (7) Employ polygraph operators, laboratory
25 technicians, and other specially qualified persons to aid

1 in the identification of criminal activity.

2 (8) Undertake other identification, information,
3 laboratory, statistical, or registration activities that
4 may be required by law.

5 (Source: P.A. 98-63, eff. 7-9-13.)

6 (20 ILCS 2605/2605-595)

7 Sec. 2605-595. State Police Firearm Services Fund.

8 (a) There is created in the State treasury a special fund
9 known as the State Police Firearm Services Fund. The Fund shall
10 receive revenue under the Firearm Concealed Carry Act and
11 Section 5 of the Firearm Owners Identification Card and
12 Certificate of Firearm Registration Act. The Fund may also
13 receive revenue from grants, pass-through grants, donations,
14 appropriations, and any other legal source.

15 (b) The Department of State Police may use moneys in the
16 Fund to finance any of its lawful purposes, mandates,
17 functions, and duties under the Firearm Owners Identification
18 Card and Certificate of Firearm Registration Act and the
19 Firearm Concealed Carry Act, including the cost of sending
20 notices of expiration of Firearm Owner's Identification Cards,
21 concealed carry licenses, the prompt and efficient processing
22 of applications under the Firearm Owners Identification Card
23 and Certificate of Firearm Registration Act and the Firearm
24 Concealed Carry Act, the improved efficiency and reporting of
25 the LEADS and federal NICS law enforcement data systems, and

1 support for investigations required under these Acts and law.
2 Any surplus funds beyond what is needed to comply with the
3 aforementioned purposes shall be used by the Department to
4 improve the Law Enforcement Agencies Data System (LEADS) and
5 criminal history background check system.

6 (c) Investment income that is attributable to the
7 investment of moneys in the Fund shall be retained in the Fund
8 for the uses specified in this Section.

9 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

10 Section 15. The Criminal Identification Act is amended by
11 changing Section 2.2 as follows:

12 (20 ILCS 2630/2.2)

13 Sec. 2.2. Notification to the Department. Upon judgment of
14 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
15 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
16 Code of 2012 when the defendant has been determined, pursuant
17 to Section 112A-11.1 of the Code of Criminal Procedure of 1963,
18 to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the
19 circuit court clerk shall include notification and a copy of
20 the written determination in a report of the conviction to the
21 Department of State Police Firearm Owner's Identification Card
22 Office to enable the office to perform its duties under
23 Sections 4 and 8 of the Firearm Owners Identification Card and
24 Certificate of Firearm Registration Act and to report that

1 determination to the Federal Bureau of Investigation to assist
2 the Bureau in identifying persons prohibited from purchasing
3 and possessing a firearm pursuant to the provisions of 18
4 U.S.C. 922. The written determination described in this Section
5 shall be included in the defendant's record of arrest and
6 conviction in the manner and form prescribed by the Department
7 of State Police.

8 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

9 Section 20. The State Finance Act is amended by changing
10 Section 6z-99 and by adding Sections 5.875, 5.876, 6z-101, and
11 6z-102 as follows:

12 (30 ILCS 105/5.875 new)

13 Sec. 5.875. The National Instant Criminal Background Check
14 System Improvement Fund.

15 (30 ILCS 105/5.876 new)

16 Sec. 5.876. The Illinois LEADS Information and Technology
17 Improvement Fund.

18 (30 ILCS 105/6z-99)

19 Sec. 6z-99. The Mental Health Reporting Fund.

20 (a) There is created in the State treasury a special fund
21 known as the Mental Health Reporting Fund. The Fund shall
22 receive revenue under the Firearm Concealed Carry Act. The Fund

1 may also receive revenue from grants, pass-through grants,
2 donations, appropriations, and any other legal source.

3 (b) The Department of State Police and Department of Human
4 Services shall coordinate to use moneys in the Fund to finance
5 their respective duties of collecting and reporting data on
6 mental health records and ensuring that mental health firearm
7 possession prohibitors are enforced as set forth under the
8 Firearm Concealed Carry Act and the Firearm Owners
9 Identification Card and Certificate of Firearm Registration
10 Act. Any surplus in the Fund beyond what is necessary to ensure
11 compliance with mental health reporting under these Acts shall
12 be used by the Department of Human Services for mental health
13 treatment programs.

14 (c) Investment income that is attributable to the
15 investment of moneys in the Fund shall be retained in the Fund
16 for the uses specified in this Section.

17 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

18 (30 ILCS 105/6z-101 new)

19 Sec. 6z-101. National Instant Criminal Background Check
20 System Improvement Fund.

21 (a) There is created in the State treasury a special fund
22 known as National Instant Criminal Background Check System
23 Improvement Fund. The Fund shall receive revenue under Section
24 3.4 of the Firearm Owners Identification Card and Certificate
25 of Firearm Registration Act. The Fund may also receive revenue

1 from grants, donations, appropriations, and any other legal
2 source.

3 (b) The Department of State Police shall use moneys in the
4 Fund to perform its duties and responsibilities under
5 subsection (e) of Section 3.1 of the Firearm Owners
6 Identification Card and Certificate of Firearm Registration
7 Act.

8 (c) Expenditures may be made from the Fund only as
9 appropriated by the General Assembly by law.

10 (d) Investment income that is attributable to the
11 investment of moneys in the Fund shall be retained in the Fund
12 for the uses specified in this Section.

13 (e) The Fund shall not be subject to administrative
14 chargebacks.

15 (30 ILCS 105/6z-102 new)

16 Sec. 6z-102. Illinois LEADS Information and Technology
17 Improvement Fund.

18 (a) There is created in the State treasury a special fund
19 known as the Illinois LEADS Information and Technology
20 Improvement Fund. The Fund shall receive revenue under Section
21 3.4 of the Firearm Owners Identification Card and Certificate
22 of Firearm Registration Act. The Fund may also receive revenue
23 from grants, donations, appropriations, and any other legal
24 source.

25 (b) The Department of State Police shall use the moneys in

1 the Fund to update and improve the technology used for the Law
2 Enforcement Agencies Data System (LEADS) system. The Fund shall
3 also be used to support the Department's responsibilities in
4 managing background checks and public safety record-keeping.

5 (c) Moneys in the Fund shall also be used to fund grants
6 made available to local law enforcement to support their
7 technological infrastructure.

8 (d) Expenditures may be made from the Fund only as
9 appropriated by the General Assembly by law.

10 (e) Investment income that is attributable to the
11 investment of moneys in the Fund shall be retained in the Fund
12 for the uses specified in this Section.

13 (f) The Fund shall not be subject to administrative
14 chargebacks.

15 Section 25. The School Code is amended by changing Sections
16 10-22.6, 10-27.1A, and 34-8.05 as follows:

17 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

18 (Text of Section before amendment by P.A. 99-456)

19 Sec. 10-22.6. Suspension or expulsion of pupils; school
20 searches.

21 (a) To expel pupils guilty of gross disobedience or
22 misconduct, including gross disobedience or misconduct
23 perpetuated by electronic means, and no action shall lie
24 against them for such expulsion. Expulsion shall take place

1 only after the parents have been requested to appear at a
2 meeting of the board, or with a hearing officer appointed by
3 it, to discuss their child's behavior. Such request shall be
4 made by registered or certified mail and shall state the time,
5 place and purpose of the meeting. The board, or a hearing
6 officer appointed by it, at such meeting shall state the
7 reasons for dismissal and the date on which the expulsion is to
8 become effective. If a hearing officer is appointed by the
9 board he shall report to the board a written summary of the
10 evidence heard at the meeting and the board may take such
11 action thereon as it finds appropriate. An expelled pupil may
12 be immediately transferred to an alternative program in the
13 manner provided in Article 13A or 13B of this Code. A pupil
14 must not be denied transfer because of the expulsion, except in
15 cases in which such transfer is deemed to cause a threat to the
16 safety of students or staff in the alternative program.

17 (b) To suspend or by policy to authorize the superintendent
18 of the district or the principal, assistant principal, or dean
19 of students of any school to suspend pupils guilty of gross
20 disobedience or misconduct, or to suspend pupils guilty of
21 gross disobedience or misconduct on the school bus from riding
22 the school bus, and no action shall lie against them for such
23 suspension. The board may by policy authorize the
24 superintendent of the district or the principal, assistant
25 principal, or dean of students of any school to suspend pupils
26 guilty of such acts for a period not to exceed 10 school days.

1 If a pupil is suspended due to gross disobedience or misconduct
2 on a school bus, the board may suspend the pupil in excess of
3 10 school days for safety reasons. Any suspension shall be
4 reported immediately to the parents or guardian of such pupil
5 along with a full statement of the reasons for such suspension
6 and a notice of their right to a review. The school board must
7 be given a summary of the notice, including the reason for the
8 suspension and the suspension length. Upon request of the
9 parents or guardian the school board or a hearing officer
10 appointed by it shall review such action of the superintendent
11 or principal, assistant principal, or dean of students. At such
12 review the parents or guardian of the pupil may appear and
13 discuss the suspension with the board or its hearing officer.
14 If a hearing officer is appointed by the board he shall report
15 to the board a written summary of the evidence heard at the
16 meeting. After its hearing or upon receipt of the written
17 report of its hearing officer, the board may take such action
18 as it finds appropriate. A pupil who is suspended in excess of
19 20 school days may be immediately transferred to an alternative
20 program in the manner provided in Article 13A or 13B of this
21 Code. A pupil must not be denied transfer because of the
22 suspension, except in cases in which such transfer is deemed to
23 cause a threat to the safety of students or staff in the
24 alternative program.

25 (c) The Department of Human Services shall be invited to
26 send a representative to consult with the board at such meeting

1 whenever there is evidence that mental illness may be the cause
2 for expulsion or suspension.

3 (d) The board may expel a student for a definite period of
4 time not to exceed 2 calendar years, as determined on a case by
5 case basis. A student who is determined to have brought one of
6 the following objects to school, any school-sponsored activity
7 or event, or any activity or event that bears a reasonable
8 relationship to school shall be expelled for a period of not
9 less than one year:

10 (1) A firearm. For the purposes of this Section,
11 "firearm" means any gun, rifle, shotgun, weapon as defined
12 by Section 921 of Title 18 of the United States Code,
13 firearm as defined in Section 1.1 of the Firearm Owners
14 Identification Card Act, or firearm as defined in Section
15 24-1 of the Criminal Code of 2012. The expulsion period
16 under this subdivision (1) may be modified by the
17 superintendent, and the superintendent's determination may
18 be modified by the board on a case-by-case basis.

19 (2) A knife, brass knuckles or other knuckle weapon
20 regardless of its composition, a billy club, or any other
21 object if used or attempted to be used to cause bodily
22 harm, including "look alike" of any firearm as defined in
23 subdivision (1) of this subsection (d). The expulsion
24 requirement under this subdivision (2) may be modified by
25 the superintendent, and the superintendent's determination
26 may be modified by the board on a case-by-case basis.

1 Expulsion or suspension shall be construed in a manner
2 consistent with the Federal Individuals with Disabilities
3 Education Act. A student who is subject to suspension or
4 expulsion as provided in this Section may be eligible for a
5 transfer to an alternative school program in accordance with
6 Article 13A of the School Code. The provisions of this
7 subsection (d) apply in all school districts, including special
8 charter districts and districts organized under Article 34.

9 (d-5) The board may suspend or by regulation authorize the
10 superintendent of the district or the principal, assistant
11 principal, or dean of students of any school to suspend a
12 student for a period not to exceed 10 school days or may expel
13 a student for a definite period of time not to exceed 2
14 calendar years, as determined on a case by case basis, if (i)
15 that student has been determined to have made an explicit
16 threat on an Internet website against a school employee, a
17 student, or any school-related personnel, (ii) the Internet
18 website through which the threat was made is a site that was
19 accessible within the school at the time the threat was made or
20 was available to third parties who worked or studied within the
21 school grounds at the time the threat was made, and (iii) the
22 threat could be reasonably interpreted as threatening to the
23 safety and security of the threatened individual because of his
24 or her duties or employment status or status as a student
25 inside the school. The provisions of this subsection (d-5)
26 apply in all school districts, including special charter

1 districts and districts organized under Article 34 of this
2 Code.

3 (e) To maintain order and security in the schools, school
4 authorities may inspect and search places and areas such as
5 lockers, desks, parking lots, and other school property and
6 equipment owned or controlled by the school, as well as
7 personal effects left in those places and areas by students,
8 without notice to or the consent of the student, and without a
9 search warrant. As a matter of public policy, the General
10 Assembly finds that students have no reasonable expectation of
11 privacy in these places and areas or in their personal effects
12 left in these places and areas. School authorities may request
13 the assistance of law enforcement officials for the purpose of
14 conducting inspections and searches of lockers, desks, parking
15 lots, and other school property and equipment owned or
16 controlled by the school for illegal drugs, weapons, or other
17 illegal or dangerous substances or materials, including
18 searches conducted through the use of specially trained dogs.
19 If a search conducted in accordance with this Section produces
20 evidence that the student has violated or is violating either
21 the law, local ordinance, or the school's policies or rules,
22 such evidence may be seized by school authorities, and
23 disciplinary action may be taken. School authorities may also
24 turn over such evidence to law enforcement authorities. The
25 provisions of this subsection (e) apply in all school
26 districts, including special charter districts and districts

1 organized under Article 34.

2 (f) Suspension or expulsion may include suspension or
3 expulsion from school and all school activities and a
4 prohibition from being present on school grounds.

5 (g) A school district may adopt a policy providing that if
6 a student is suspended or expelled for any reason from any
7 public or private school in this or any other state, the
8 student must complete the entire term of the suspension or
9 expulsion in an alternative school program under Article 13A of
10 this Code or an alternative learning opportunities program
11 under Article 13B of this Code before being admitted into the
12 school district if there is no threat to the safety of students
13 or staff in the alternative program. This subsection (g)
14 applies to all school districts, including special charter
15 districts and districts organized under Article 34 of this
16 Code.

17 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
18 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;
19 97-1150, eff. 1-25-13.)

20 (Text of Section after amendment by P.A. 99-456)

21 Sec. 10-22.6. Suspension or expulsion of pupils; school
22 searches.

23 (a) To expel pupils guilty of gross disobedience or
24 misconduct, including gross disobedience or misconduct
25 perpetuated by electronic means, pursuant to subsection (b-20)

1 of this Section, and no action shall lie against them for such
2 expulsion. Expulsion shall take place only after the parents
3 have been requested to appear at a meeting of the board, or
4 with a hearing officer appointed by it, to discuss their
5 child's behavior. Such request shall be made by registered or
6 certified mail and shall state the time, place and purpose of
7 the meeting. The board, or a hearing officer appointed by it,
8 at such meeting shall state the reasons for dismissal and the
9 date on which the expulsion is to become effective. If a
10 hearing officer is appointed by the board he shall report to
11 the board a written summary of the evidence heard at the
12 meeting and the board may take such action thereon as it finds
13 appropriate. If the board acts to expel a pupil, the written
14 expulsion decision shall detail the specific reasons why
15 removing the pupil from the learning environment is in the best
16 interest of the school. The expulsion decision shall also
17 include a rationale as to the specific duration of the
18 expulsion. An expelled pupil may be immediately transferred to
19 an alternative program in the manner provided in Article 13A or
20 13B of this Code. A pupil must not be denied transfer because
21 of the expulsion, except in cases in which such transfer is
22 deemed to cause a threat to the safety of students or staff in
23 the alternative program.

24 (b) To suspend or by policy to authorize the superintendent
25 of the district or the principal, assistant principal, or dean
26 of students of any school to suspend pupils guilty of gross

1 disobedience or misconduct, or to suspend pupils guilty of
2 gross disobedience or misconduct on the school bus from riding
3 the school bus, pursuant to subsections (b-15) and (b-20) of
4 this Section, and no action shall lie against them for such
5 suspension. The board may by policy authorize the
6 superintendent of the district or the principal, assistant
7 principal, or dean of students of any school to suspend pupils
8 guilty of such acts for a period not to exceed 10 school days.
9 If a pupil is suspended due to gross disobedience or misconduct
10 on a school bus, the board may suspend the pupil in excess of
11 10 school days for safety reasons.

12 Any suspension shall be reported immediately to the parents
13 or guardian of a pupil along with a full statement of the
14 reasons for such suspension and a notice of their right to a
15 review. The school board must be given a summary of the notice,
16 including the reason for the suspension and the suspension
17 length. Upon request of the parents or guardian the school
18 board or a hearing officer appointed by it shall review such
19 action of the superintendent or principal, assistant
20 principal, or dean of students. At such review the parents or
21 guardian of the pupil may appear and discuss the suspension
22 with the board or its hearing officer. If a hearing officer is
23 appointed by the board he shall report to the board a written
24 summary of the evidence heard at the meeting. After its hearing
25 or upon receipt of the written report of its hearing officer,
26 the board may take such action as it finds appropriate. If a

1 student is suspended pursuant to this subsection (b), the board
2 shall, in the written suspension decision, detail the specific
3 act of gross disobedience or misconduct resulting in the
4 decision to suspend. The suspension decision shall also include
5 a rationale as to the specific duration of the suspension. A
6 pupil who is suspended in excess of 20 school days may be
7 immediately transferred to an alternative program in the manner
8 provided in Article 13A or 13B of this Code. A pupil must not
9 be denied transfer because of the suspension, except in cases
10 in which such transfer is deemed to cause a threat to the
11 safety of students or staff in the alternative program.

12 (b-5) Among the many possible disciplinary interventions
13 and consequences available to school officials, school
14 exclusions, such as out-of-school suspensions and expulsions,
15 are the most serious. School officials shall limit the number
16 and duration of expulsions and suspensions to the greatest
17 extent practicable, and it is recommended that they use them
18 only for legitimate educational purposes. To ensure that
19 students are not excluded from school unnecessarily, it is
20 recommended that school officials consider forms of
21 non-exclusionary discipline prior to using out-of-school
22 suspensions or expulsions.

23 (b-10) Unless otherwise required by federal law or this
24 Code, school boards may not institute zero-tolerance policies
25 by which school administrators are required to suspend or expel
26 students for particular behaviors.

1 (b-15) Out-of-school suspensions of 3 days or less may be
2 used only if the student's continuing presence in school would
3 pose a threat to school safety or a disruption to other
4 students' learning opportunities. For purposes of this
5 subsection (b-15), "threat to school safety or a disruption to
6 other students' learning opportunities" shall be determined on
7 a case-by-case basis by the school board or its designee.
8 School officials shall make all reasonable efforts to resolve
9 such threats, address such disruptions, and minimize the length
10 of suspensions to the greatest extent practicable.

11 (b-20) Unless otherwise required by this Code,
12 out-of-school suspensions of longer than 3 days, expulsions,
13 and disciplinary removals to alternative schools may be used
14 only if other appropriate and available behavioral and
15 disciplinary interventions have been exhausted and the
16 student's continuing presence in school would either (i) pose a
17 threat to the safety of other students, staff, or members of
18 the school community or (ii) substantially disrupt, impede, or
19 interfere with the operation of the school. For purposes of
20 this subsection (b-20), "threat to the safety of other
21 students, staff, or members of the school community" and
22 "substantially disrupt, impede, or interfere with the
23 operation of the school" shall be determined on a case-by-case
24 basis by school officials. For purposes of this subsection
25 (b-20), the determination of whether "appropriate and
26 available behavioral and disciplinary interventions have been

1 exhausted" shall be made by school officials. School officials
2 shall make all reasonable efforts to resolve such threats,
3 address such disruptions, and minimize the length of student
4 exclusions to the greatest extent practicable. Within the
5 suspension decision described in subsection (b) of this Section
6 or the expulsion decision described in subsection (a) of this
7 Section, it shall be documented whether other interventions
8 were attempted or whether it was determined that there were no
9 other appropriate and available interventions.

10 (b-25) Students who are suspended out-of-school for longer
11 than 4 school days shall be provided appropriate and available
12 support services during the period of their suspension. For
13 purposes of this subsection (b-25), "appropriate and available
14 support services" shall be determined by school authorities.
15 Within the suspension decision described in subsection (b) of
16 this Section, it shall be documented whether such services are
17 to be provided or whether it was determined that there are no
18 such appropriate and available services.

19 A school district may refer students who are expelled to
20 appropriate and available support services.

21 A school district shall create a policy to facilitate the
22 re-engagement of students who are suspended out-of-school,
23 expelled, or returning from an alternative school setting.

24 (b-30) A school district shall create a policy by which
25 suspended pupils, including those pupils suspended from the
26 school bus who do not have alternate transportation to school,

1 shall have the opportunity to make up work for equivalent
2 academic credit. It shall be the responsibility of a pupil's
3 parent or guardian to notify school officials that a pupil
4 suspended from the school bus does not have alternate
5 transportation to school.

6 (c) The Department of Human Services shall be invited to
7 send a representative to consult with the board at such meeting
8 whenever there is evidence that mental illness may be the cause
9 for expulsion or suspension.

10 (c-5) School districts shall make reasonable efforts to
11 provide ongoing professional development to teachers,
12 administrators, school board members, school resource
13 officers, and staff on the adverse consequences of school
14 exclusion and justice-system involvement, effective classroom
15 management strategies, culturally responsive discipline, and
16 developmentally appropriate disciplinary methods that promote
17 positive and healthy school climates.

18 (d) The board may expel a student for a definite period of
19 time not to exceed 2 calendar years, as determined on a case by
20 case basis. A student who is determined to have brought one of
21 the following objects to school, any school-sponsored activity
22 or event, or any activity or event that bears a reasonable
23 relationship to school shall be expelled for a period of not
24 less than one year:

25 (1) A firearm. For the purposes of this Section,
26 "firearm" means any gun, rifle, shotgun, weapon as defined

1 by Section 921 of Title 18 of the United States Code,
2 firearm as defined in Section 1.1 of the Firearm Owners
3 Identification Card and Certificate of Firearm
4 Registration Act, or firearm as defined in Section 24-1 of
5 the Criminal Code of 2012. The expulsion period under this
6 subdivision (1) may be modified by the superintendent, and
7 the superintendent's determination may be modified by the
8 board on a case-by-case basis.

9 (2) A knife, brass knuckles or other knuckle weapon
10 regardless of its composition, a billy club, or any other
11 object if used or attempted to be used to cause bodily
12 harm, including "look alike" of any firearm as defined in
13 subdivision (1) of this subsection (d). The expulsion
14 requirement under this subdivision (2) may be modified by
15 the superintendent, and the superintendent's determination
16 may be modified by the board on a case-by-case basis.

17 Expulsion or suspension shall be construed in a manner
18 consistent with the Federal Individuals with Disabilities
19 Education Act. A student who is subject to suspension or
20 expulsion as provided in this Section may be eligible for a
21 transfer to an alternative school program in accordance with
22 Article 13A of the School Code.

23 (d-5) The board may suspend or by regulation authorize the
24 superintendent of the district or the principal, assistant
25 principal, or dean of students of any school to suspend a
26 student for a period not to exceed 10 school days or may expel

1 a student for a definite period of time not to exceed 2
2 calendar years, as determined on a case by case basis, if (i)
3 that student has been determined to have made an explicit
4 threat on an Internet website against a school employee, a
5 student, or any school-related personnel, (ii) the Internet
6 website through which the threat was made is a site that was
7 accessible within the school at the time the threat was made or
8 was available to third parties who worked or studied within the
9 school grounds at the time the threat was made, and (iii) the
10 threat could be reasonably interpreted as threatening to the
11 safety and security of the threatened individual because of his
12 or her duties or employment status or status as a student
13 inside the school.

14 (e) To maintain order and security in the schools, school
15 authorities may inspect and search places and areas such as
16 lockers, desks, parking lots, and other school property and
17 equipment owned or controlled by the school, as well as
18 personal effects left in those places and areas by students,
19 without notice to or the consent of the student, and without a
20 search warrant. As a matter of public policy, the General
21 Assembly finds that students have no reasonable expectation of
22 privacy in these places and areas or in their personal effects
23 left in these places and areas. School authorities may request
24 the assistance of law enforcement officials for the purpose of
25 conducting inspections and searches of lockers, desks, parking
26 lots, and other school property and equipment owned or

1 controlled by the school for illegal drugs, weapons, or other
2 illegal or dangerous substances or materials, including
3 searches conducted through the use of specially trained dogs.
4 If a search conducted in accordance with this Section produces
5 evidence that the student has violated or is violating either
6 the law, local ordinance, or the school's policies or rules,
7 such evidence may be seized by school authorities, and
8 disciplinary action may be taken. School authorities may also
9 turn over such evidence to law enforcement authorities.

10 (f) Suspension or expulsion may include suspension or
11 expulsion from school and all school activities and a
12 prohibition from being present on school grounds.

13 (g) A school district may adopt a policy providing that if
14 a student is suspended or expelled for any reason from any
15 public or private school in this or any other state, the
16 student must complete the entire term of the suspension or
17 expulsion in an alternative school program under Article 13A of
18 this Code or an alternative learning opportunities program
19 under Article 13B of this Code before being admitted into the
20 school district if there is no threat to the safety of students
21 or staff in the alternative program.

22 (h) School officials shall not advise or encourage students
23 to drop out voluntarily due to behavioral or academic
24 difficulties.

25 (i) A student may not be issued a monetary fine or fee as a
26 disciplinary consequence, though this shall not preclude

1 requiring a student to provide restitution for lost, stolen, or
2 damaged property.

3 (j) Subsections (a) through (i) of this Section shall apply
4 to elementary and secondary schools, charter schools, special
5 charter districts, and school districts organized under
6 Article 34 of this Code.

7 (Source: P.A. 99-456, eff. 9-15-16.)

8 (105 ILCS 5/10-27.1A)

9 Sec. 10-27.1A. Firearms in schools.

10 (a) All school officials, including teachers, guidance
11 counselors, and support staff, shall immediately notify the
12 office of the principal in the event that they observe any
13 person in possession of a firearm on school grounds; provided
14 that taking such immediate action to notify the office of the
15 principal would not immediately endanger the health, safety, or
16 welfare of students who are under the direct supervision of the
17 school official or the school official. If the health, safety,
18 or welfare of students under the direct supervision of the
19 school official or of the school official is immediately
20 endangered, the school official shall notify the office of the
21 principal as soon as the students under his or her supervision
22 and he or she are no longer under immediate danger. A report is
23 not required by this Section when the school official knows
24 that the person in possession of the firearm is a law
25 enforcement official engaged in the conduct of his or her

1 official duties. Any school official acting in good faith who
2 makes such a report under this Section shall have immunity from
3 any civil or criminal liability that might otherwise be
4 incurred as a result of making the report. The identity of the
5 school official making such report shall not be disclosed
6 except as expressly and specifically authorized by law.
7 Knowingly and willfully failing to comply with this Section is
8 a petty offense. A second or subsequent offense is a Class C
9 misdemeanor.

10 (b) Upon receiving a report from any school official
11 pursuant to this Section, or from any other person, the
12 principal or his or her designee shall immediately notify a
13 local law enforcement agency. If the person found to be in
14 possession of a firearm on school grounds is a student, the
15 principal or his or her designee shall also immediately notify
16 that student's parent or guardian. Any principal or his or her
17 designee acting in good faith who makes such reports under this
18 Section shall have immunity from any civil or criminal
19 liability that might otherwise be incurred or imposed as a
20 result of making the reports. Knowingly and willfully failing
21 to comply with this Section is a petty offense. A second or
22 subsequent offense is a Class C misdemeanor. If the person
23 found to be in possession of the firearm on school grounds is a
24 minor, the law enforcement agency shall detain that minor until
25 such time as the agency makes a determination pursuant to
26 clause (a) of subsection (1) of Section 5-401 of the Juvenile

1 Court Act of 1987, as to whether the agency reasonably believes
2 that the minor is delinquent. If the law enforcement agency
3 determines that probable cause exists to believe that the minor
4 committed a violation of item (4) of subsection (a) of Section
5 24-1 of the Criminal Code of 2012 while on school grounds, the
6 agency shall detain the minor for processing pursuant to
7 Section 5-407 of the Juvenile Court Act of 1987.

8 (c) On or after January 1, 1997, upon receipt of any
9 written, electronic, or verbal report from any school personnel
10 regarding a verified incident involving a firearm in a school
11 or on school owned or leased property, including any conveyance
12 owned, leased, or used by the school for the transport of
13 students or school personnel, the superintendent or his or her
14 designee shall report all such firearm-related incidents
15 occurring in a school or on school property to the local law
16 enforcement authorities immediately and to the Department of
17 State Police in a form, manner, and frequency as prescribed by
18 the Department of State Police.

19 The State Board of Education shall receive an annual
20 statistical compilation and related data associated with
21 incidents involving firearms in schools from the Department of
22 State Police. The State Board of Education shall compile this
23 information by school district and make it available to the
24 public.

25 (d) As used in this Section, the term "firearm" shall have
26 the meaning ascribed to it in Section 1.1 of the Firearm Owners

1 Identification Card and Certificate of Firearm Registration
2 Act.

3 As used in this Section, the term "school" means any public
4 or private elementary or secondary school.

5 As used in this Section, the term "school grounds" includes
6 the real property comprising any school, any conveyance owned,
7 leased, or contracted by a school to transport students to or
8 from school or a school-related activity, or any public way
9 within 1,000 feet of the real property comprising any school.
10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 (105 ILCS 5/34-8.05)

12 Sec. 34-8.05. Reporting firearms in schools. On or after
13 January 1, 1997, upon receipt of any written, electronic, or
14 verbal report from any school personnel regarding a verified
15 incident involving a firearm in a school or on school owned or
16 leased property, including any conveyance owned, leased, or
17 used by the school for the transport of students or school
18 personnel, the general superintendent or his or her designee
19 shall report all such firearm-related incidents occurring in a
20 school or on school property to the local law enforcement
21 authorities no later than 24 hours after the occurrence of the
22 incident and to the Department of State Police in a form,
23 manner, and frequency as prescribed by the Department of State
24 Police.

25 The State Board of Education shall receive an annual

1 statistical compilation and related data associated with
2 incidents involving firearms in schools from the Department of
3 State Police. As used in this Section, the term "firearm" shall
4 have the meaning ascribed to it in Section 1.1 of the Firearm
5 Owners Identification Card and Certificate of Firearm
6 Registration Act.

7 (Source: P.A. 89-498, eff. 6-27-96.)

8 Section 30. The Illinois Explosives Act is amended by
9 changing Section 2005 as follows:

10 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

11 Sec. 2005. Qualifications for licensure.

12 (a) No person shall qualify to hold a license who:

13 (1) is under 21 years of age;

14 (2) has been convicted in any court of a crime
15 punishable by imprisonment for a term exceeding one year;

16 (3) is under indictment for a crime punishable by
17 imprisonment for a term exceeding one year;

18 (4) is a fugitive from justice;

19 (5) is an unlawful user of or addicted to any
20 controlled substance as defined in Section 102 of the
21 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
22 seq.);

23 (6) has been adjudicated a person with a mental
24 disability as defined in Section 1.1 of the Firearm Owners

1 Identification Card and Certificate of Firearm
2 Registration Act; or

3 (7) is not a legal citizen of the United States.

4 (b) A person who has been granted a "relief from
5 disabilities" regarding criminal convictions and indictments,
6 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.
7 845) may receive a license provided all other qualifications
8 under this Act are met.

9 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

10 Section 35. The Mental Health and Developmental
11 Disabilities Code is amended by changing Sections 6-103.1,
12 6-103.2, and 6-103.3 as follows:

13 (405 ILCS 5/6-103.1)

14 Sec. 6-103.1. Adjudication as a person with a mental
15 disability. When a person has been adjudicated as a person with
16 a mental disability as defined in Section 1.1 of the Firearm
17 Owners Identification Card and Certificate of Firearm
18 Registration Act, including, but not limited to, an
19 adjudication as a person with a disability as defined in
20 Section 11a-2 of the Probate Act of 1975, the court shall
21 direct the circuit court clerk to notify the Department of
22 State Police, Firearm Owner's Identification (FOID) Office, in
23 a form and manner prescribed by the Department of State Police,
24 and shall forward a copy of the court order to the Department

1 no later than 7 days after the entry of the order. Upon receipt
2 of the order, the Department of State Police shall provide
3 notification to the National Instant Criminal Background Check
4 System.

5 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

6 (405 ILCS 5/6-103.2)

7 Sec. 6-103.2. Developmental disability; notice. If a
8 person 14 years old or older is determined to be a person with
9 a developmental disability by a physician, clinical
10 psychologist, or qualified examiner, the physician, clinical
11 psychologist, or qualified examiner shall notify the
12 Department of Human Services within 7 days of making the
13 determination that the person has a developmental disability.
14 The Department of Human Services shall immediately update its
15 records and information relating to mental health and
16 developmental disabilities, and if appropriate, shall notify
17 the Department of State Police in a form and manner prescribed
18 by the Department of State Police. Information disclosed under
19 this Section shall remain privileged and confidential, and
20 shall not be redisclosed, except as required under subsection
21 (e) of Section 3.1 of the Firearm Owners Identification Card
22 and Certificate of Firearm Registration Act, nor used for any
23 other purpose. The method of providing this information shall
24 guarantee that the information is not released beyond that
25 which is necessary for the purpose of this Section and shall be

1 provided by rule by the Department of Human Services. The
2 identity of the person reporting under this Section shall not
3 be disclosed to the subject of the report.

4 The physician, clinical psychologist, or qualified
5 examiner making the determination and his or her employer may
6 not be held criminally, civilly, or professionally liable for
7 making or not making the notification required under this
8 Section, except for willful or wanton misconduct.

9 For purposes of this Section, "developmental disability"
10 ~~"developmentally disabled"~~ means a disability which is
11 attributable to any other condition which results in impairment
12 similar to that caused by an intellectual disability and which
13 requires services similar to those required by intellectually
14 disabled persons. The disability must originate before the age
15 of 18 years, be expected to continue indefinitely, and
16 constitute a substantial disability. This disability results,
17 in the professional opinion of a physician, clinical
18 psychologist, or qualified examiner, in significant functional
19 limitations in 3 or more of the following areas of major life
20 activity:

- 21 (i) self-care;
22 (ii) receptive and expressive language;
23 (iii) learning;
24 (iv) mobility; or
25 (v) self-direction.

26 "Determined to be a person with a developmental disability

1 ~~developmentally disabled~~ by a physician, clinical
2 psychologist, or qualified examiner" means in the professional
3 opinion of the physician, clinical psychologist, or qualified
4 examiner, a person is diagnosed, assessed, or evaluated as
5 having a developmental disability ~~to be developmentally~~
6 ~~disabled.~~

7 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
8 eff. 7-27-15; revised 11-13-15.)

9 (405 ILCS 5/6-103.3)

10 Sec. 6-103.3. Clear and present danger; notice. If a person
11 is determined to pose a clear and present danger to himself,
12 herself, or to others by a physician, clinical psychologist, or
13 qualified examiner, whether employed by the State, by any
14 public or private mental health facility or part thereof, or by
15 a law enforcement official or a school administrator, then the
16 physician, clinical psychologist, qualified examiner shall
17 notify the Department of Human Services and a law enforcement
18 official or school administrator shall notify the Department of
19 State Police, within 24 hours of making the determination that
20 the person poses a clear and present danger. The Department of
21 Human Services shall immediately update its records and
22 information relating to mental health and developmental
23 disabilities, and if appropriate, shall notify the Department
24 of State Police in a form and manner prescribed by the
25 Department of State Police. Information disclosed under this

1 Section shall remain privileged and confidential, and shall not
2 be redisclosed, except as required under subsection (e) of
3 Section 3.1 of the Firearm Owners Identification Card and
4 Certificate of Firearm Registration Act, nor used for any other
5 purpose. The method of providing this information shall
6 guarantee that the information is not released beyond that
7 which is necessary for the purpose of this Section and shall be
8 provided by rule by the Department of Human Services. The
9 identity of the person reporting under this Section shall not
10 be disclosed to the subject of the report. The physician,
11 clinical psychologist, qualified examiner, law enforcement
12 official, or school administrator making the determination and
13 his or her employer shall not be held criminally, civilly, or
14 professionally liable for making or not making the notification
15 required under this Section, except for willful or wanton
16 misconduct. This Section does not apply to a law enforcement
17 official, if making the notification under this Section will
18 interfere with an ongoing or pending criminal investigation.

19 For the purposes of this Section:

20 "Clear and present danger" has the meaning ascribed to
21 it in Section 1.1 of the Firearm Owners Identification Card
22 and Certificate of Firearm Registration Act.

23 "Determined to pose a clear and present danger to
24 himself, herself, or to others by a physician, clinical
25 psychologist, or qualified examiner" means in the
26 professional opinion of the physician, clinical

1 psychologist, or qualified examiner, a person poses a clear
2 and present danger.

3 "School administrator" means the person required to
4 report under the School Administrator Reporting of Mental
5 Health Clear and Present Danger Determinations Law.

6 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

7 Section 40. The Lead Poisoning Prevention Act is amended by
8 changing Section 2 as follows:

9 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

10 Sec. 2. Definitions. As used in this Act:

11 "Child care facility" means any structure used by a child
12 care provider licensed by the Department of Children and Family
13 Services or public or private school structure frequented by
14 children 6 years of age or younger.

15 "Childhood Lead Risk Questionnaire" means the
16 questionnaire developed by the Department for use by physicians
17 and other health care providers to determine risk factors for
18 children 6 years of age or younger residing in areas designated
19 as low risk for lead exposure.

20 "Delegate agency" means a unit of local government or
21 health department approved by the Department to carry out the
22 provisions of this Act.

23 "Department" means the Department of Public Health.

24 "Director" means the Director of Public Health.

1 "Dwelling unit" means an individual unit within a
2 residential building used as living quarters for one household.

3 "Elevated blood lead level" means a blood lead level in
4 excess of those considered within the permissible limits as
5 established under State and federal rules.

6 "Exposed surface" means any interior or exterior surface of
7 a regulated facility.

8 "High risk area" means an area in the State determined by
9 the Department to be high risk for lead exposure for children 6
10 years of age or younger. The Department may consider, but is
11 not limited to, the following factors to determine a high risk
12 area: age and condition (using Department of Housing and Urban
13 Development definitions of "slum" and "blighted") of housing,
14 proximity to highway traffic or heavy local traffic or both,
15 percentage of housing determined as rental or vacant, proximity
16 to industry using lead, established incidence of elevated blood
17 lead levels in children, percentage of population living below
18 200% of federal poverty guidelines, and number of children
19 residing in the area who are 6 years of age or younger.

20 "Lead abatement" means any approved work practices that
21 will permanently eliminate lead exposure or remove the
22 lead-bearing substances in a regulated facility. The
23 Department shall establish by rule which work practices are
24 approved or prohibited for lead abatement.

25 "Lead abatement contractor" means any person or entity
26 licensed by the Department to perform lead abatement and

1 mitigation.

2 "Lead abatement supervisor" means any person employed by a
3 lead abatement contractor and licensed by the Department to
4 perform lead abatement and lead mitigation and to supervise
5 lead workers who perform lead abatement and lead mitigation.

6 "Lead abatement worker" means any person employed by a lead
7 abatement contractor and licensed by the Department to perform
8 lead abatement and mitigation.

9 "Lead activities" means the conduct of any lead services,
10 including, lead inspection, lead risk assessment, lead
11 mitigation, or lead abatement work or supervision in a
12 regulated facility.

13 "Lead-bearing substance" means any item containing or
14 coated with lead such that the lead content is more than
15 six-hundredths of one percent (0.06%) lead by total weight; or
16 any dust on surfaces or in furniture or other nonpermanent
17 elements of the regulated facility; or any paint or other
18 surface coating material containing more than five-tenths of
19 one percent (0.5%) lead by total weight (calculated as lead
20 metal) in the total non-volatile content of liquid paint; or
21 lead-bearing substances containing greater than one milligram
22 per square centimeter or any lower standard for lead content in
23 residential paint as may be established by federal law or rule;
24 or more than 1 milligram per square centimeter in the dried
25 film of paint or previously applied substance; or item or dust
26 on item containing lead in excess of the amount specified in

1 the rules authorized by this Act or a lower standard for lead
2 content as may be established by federal law or rule.
3 "Lead-bearing substance" does not include firearm ammunition
4 or components as defined by the Firearm Owners Identification
5 Card and Certificate of Firearm Registration Act.

6 "Lead hazard" means a lead-bearing substance that poses an
7 immediate health hazard to humans.

8 "Lead hazard screen" means a lead risk assessment that
9 involves limited dust and paint sampling for lead-bearing
10 substances and lead hazards. This service is used as a
11 screening tool designed to determine if further lead
12 investigative services are required for the regulated
13 facility.

14 "Lead inspection" means a surface-by-surface investigation
15 to determine the presence of lead-based paint.

16 "Lead inspector" means an individual who has been trained
17 by a Department-approved training program and is licensed by
18 the Department to conduct lead inspections; to sample for the
19 presence of lead in paint, dust, soil, and water; and to
20 conduct compliance investigations.

21 "Lead mitigation" means the remediation, in a manner
22 described in Section 9, of a lead hazard so that the
23 lead-bearing substance does not pose an immediate health hazard
24 to humans.

25 "Lead poisoning" means the condition of having blood lead
26 levels in excess of those considered safe under State and

1 federal rules.

2 "Lead risk assessment" means an on-site investigation to
3 determine the existence, nature, severity, and location of lead
4 hazards. "Lead risk assessment" includes any lead sampling and
5 visual assessment associated with conducting a lead risk
6 assessment and lead hazard screen and all lead sampling
7 associated with compliance investigations.

8 "Lead risk assessor" means an individual who has been
9 trained by a Department-approved training program and is
10 licensed by the Department to conduct lead risk assessments,
11 lead inspections, and lead hazard screens; to sample for the
12 presence of lead in paint, dust, soil, water, and sources for
13 lead-bearing substances; and to conduct compliance
14 investigations.

15 "Lead training program provider" means any person
16 providing Department-approved lead training in Illinois to
17 individuals seeking licensure in accordance with the Act.

18 "Low risk area" means an area in the State determined by
19 the Department to be low risk for lead exposure for children 6
20 years of age or younger. The Department may consider the
21 factors named in "high risk area" to determine low risk areas.

22 "Owner" means any person, who alone, jointly, or severally
23 with others:

24 (a) Has legal title to any regulated facility, with or
25 without actual possession of the regulated facility, or

26 (b) Has charge, care, or control of the regulated

1 facility as owner or agent of the owner, or as executor,
2 administrator, trustee, or guardian of the estate of the
3 owner.

4 "Person" means any individual, partnership, firm, company,
5 limited liability company, corporation, association, joint
6 stock company, trust, estate, political subdivision, State
7 agency, or any other legal entity, or their legal
8 representative, agent, or assign.

9 "Regulated facility" means a residential building or child
10 care facility.

11 "Residential building" means any room, group of rooms, or
12 other interior areas of a structure designed or used for human
13 habitation; common areas accessible by inhabitants; and the
14 surrounding property or structures.

15 (Source: P.A. 98-690, eff. 1-1-15.)

16 Section 45. The Firearm Owners Identification Card Act is
17 amended by changing the title of the Act and by changing
18 Sections 0.01, 1, 1.1, 3, 3.1, 4, 6.1, and 14 and by adding
19 Section 3.4 as follows:

20 (430 ILCS 65/Act title)

21 An Act relating to the acquisition, possession,
22 registration, and transfer of firearms, firearm ammunition,
23 stun guns, and tasers, to provide a penalty for the violation
24 thereof and to make an appropriation in connection therewith.

1 (430 ILCS 65/0.01) (from Ch. 38, par. 83-0.1)

2 Sec. 0.01. Short title. This Act may be cited as the
3 Firearm Owners Identification Card and Certificate of Firearm
4 Registration Act.

5 (Source: P.A. 86-1324.)

6 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

7 Sec. 1. It is hereby declared as a matter of legislative
8 determination that in order to promote and protect the health,
9 safety and welfare of the public, it is necessary and in the
10 public interest to provide a system of identifying persons who
11 are not qualified to acquire or possess firearms, firearm
12 ammunition, stun guns, and tasers within the State of Illinois
13 by the establishment of a system of Firearm Owner's
14 Identification Cards and firearm registration, thereby
15 establishing a practical and workable system by which law
16 enforcement authorities will be afforded an opportunity to
17 identify those persons who are prohibited by Section 24-3.1 of
18 the Criminal Code of 2012, from acquiring or possessing
19 firearms and firearm ammunition and who are prohibited by this
20 Act from acquiring stun guns and tasers, and to identify the
21 ownership of firearms that have been recovered or seized as
22 evidence.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

1 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

2 Sec. 1.1. For purposes of this Act:

3 "Addicted to narcotics" means a person who has been:

4 (1) convicted of an offense involving the use or
5 possession of cannabis, a controlled substance, or
6 methamphetamine within the past year; or

7 (2) determined by the Department of State Police to be
8 addicted to narcotics based upon federal law or federal
9 guidelines.

10 "Addicted to narcotics" does not include possession or use
11 of a prescribed controlled substance under the direction and
12 authority of a physician or other person authorized to
13 prescribe the controlled substance when the controlled
14 substance is used in the prescribed manner.

15 "Adjudicated as a person with a mental disability" means
16 the person is the subject of a determination by a court, board,
17 commission or other lawful authority that the person, as a
18 result of marked subnormal intelligence, or mental illness,
19 mental impairment, incompetency, condition, or disease:

20 (1) presents a clear and present danger to himself,
21 herself, or to others;

22 (2) lacks the mental capacity to manage his or her own
23 affairs or is adjudicated a person with a disability as
24 defined in Section 11a-2 of the Probate Act of 1975;

25 (3) is not guilty in a criminal case by reason of
26 insanity, mental disease or defect;

1 (3.5) is guilty but mentally ill, as provided in
2 Section 5-2-6 of the Unified Code of Corrections;

3 (4) is incompetent to stand trial in a criminal case;

4 (5) is not guilty by reason of lack of mental
5 responsibility under Articles 50a and 72b of the Uniform
6 Code of Military Justice, 10 U.S.C. 850a, 876b;

7 (6) is a sexually violent person under subsection (f)
8 of Section 5 of the Sexually Violent Persons Commitment
9 Act;

10 (7) is a sexually dangerous person under the Sexually
11 Dangerous Persons Act;

12 (8) is unfit to stand trial under the Juvenile Court
13 Act of 1987;

14 (9) is not guilty by reason of insanity under the
15 Juvenile Court Act of 1987;

16 (10) is subject to involuntary admission as an
17 inpatient as defined in Section 1-119 of the Mental Health
18 and Developmental Disabilities Code;

19 (11) is subject to involuntary admission as an
20 outpatient as defined in Section 1-119.1 of the Mental
21 Health and Developmental Disabilities Code;

22 (12) is subject to judicial admission as set forth in
23 Section 4-500 of the Mental Health and Developmental
24 Disabilities Code; or

25 (13) is subject to the provisions of the Interstate
26 Agreements on Sexually Dangerous Persons Act.

1 "Certificate of Firearm Registration" means a certificate
2 issued by the Illinois Department of State Police under Section
3 3.4 of this Act.

4 "Clear and present danger" means a person who:

5 (1) communicates a serious threat of physical violence
6 against a reasonably identifiable victim or poses a clear
7 and imminent risk of serious physical injury to himself,
8 herself, or another person as determined by a physician,
9 clinical psychologist, or qualified examiner; or

10 (2) demonstrates threatening physical or verbal
11 behavior, such as violent, suicidal, or assaultive
12 threats, actions, or other behavior, as determined by a
13 physician, clinical psychologist, qualified examiner,
14 school administrator, or law enforcement official.

15 "Clinical psychologist" has the meaning provided in
16 Section 1-103 of the Mental Health and Developmental
17 Disabilities Code.

18 "Controlled substance" means a controlled substance or
19 controlled substance analog as defined in the Illinois
20 Controlled Substances Act.

21 "Counterfeit" means to copy or imitate, without legal
22 authority, with intent to deceive.

23 ~~disability~~

24 ~~This disability results in the professional opinion of a~~
25 ~~physician, clinical psychologist, or qualified examiner, in~~
26 ~~significant functional limitations in 3 or more of the~~

1 ~~following areas of major life activity:~~

2 ~~(i) self care;~~

3 ~~(ii) receptive and expressive language;~~

4 ~~(iii) learning;~~

5 ~~(iv) mobility; or~~

6 ~~(v) self direction.~~

7 "Federally licensed firearm dealer" means a person who is
8 licensed as a federal firearms dealer under Section 923 of the
9 federal Gun Control Act of 1968 (18 U.S.C. 923).

10 "Firearm" means any device, by whatever name known, which
11 is designed to expel a projectile or projectiles by the action
12 of an explosion, expansion of gas or escape of gas; excluding,
13 however:

14 (1) any pneumatic gun, spring gun, paint ball gun, or
15 B-B gun which expels a single globular projectile not
16 exceeding .18 inch in diameter or which has a maximum
17 muzzle velocity of less than 700 feet per second;

18 (1.1) any pneumatic gun, spring gun, paint ball gun, or
19 B-B gun which expels breakable paint balls containing
20 washable marking colors;

21 (2) any device used exclusively for signalling or
22 safety and required or recommended by the United States
23 Coast Guard or the Interstate Commerce Commission;

24 (3) any device used exclusively for the firing of stud
25 cartridges, explosive rivets or similar industrial
26 ammunition; and

1 (4) an antique firearm (other than a machine-gun)
2 which, although designed as a weapon, the Department of
3 State Police finds by reason of the date of its
4 manufacture, value, design, and other characteristics is
5 primarily a collector's item and is not likely to be used
6 as a weapon.

7 "Firearm ammunition" means any self-contained cartridge or
8 shotgun shell, by whatever name known, which is designed to be
9 used or adaptable to use in a firearm; excluding, however:

10 (1) any ammunition exclusively designed for use with a
11 device used exclusively for signalling or safety and
12 required or recommended by the United States Coast Guard or
13 the Interstate Commerce Commission; and

14 (2) any ammunition designed exclusively for use with a
15 stud or rivet driver or other similar industrial
16 ammunition.

17 "Gun show" means an event or function:

18 (1) at which the sale and transfer of firearms is the
19 regular and normal course of business and where 50 or more
20 firearms are displayed, offered, or exhibited for sale,
21 transfer, or exchange; or

22 (2) at which not less than 10 gun show vendors display,
23 offer, or exhibit for sale, sell, transfer, or exchange
24 firearms.

25 "Gun show" includes the entire premises provided for an
26 event or function, including parking areas for the event or

1 function, that is sponsored to facilitate the purchase, sale,
2 transfer, or exchange of firearms as described in this Section.
3 Nothing in this definition shall be construed to exclude a gun
4 show held in conjunction with competitive shooting events at
5 the World Shooting Complex sanctioned by a national governing
6 body in which the sale or transfer of firearms is authorized
7 under subparagraph (5) of paragraph (g) of subsection (A) of
8 Section 24-3 of the Criminal Code of 2012.

9 Unless otherwise expressly stated, "gun show" does not
10 include training or safety classes, competitive shooting
11 events, such as rifle, shotgun, or handgun matches, trap,
12 skeet, or sporting clays shoots, dinners, banquets, raffles, or
13 any other event where the sale or transfer of firearms is not
14 the primary course of business.

15 "Gun show promoter" means a person who organizes or
16 operates a gun show.

17 "Gun show vendor" means a person who exhibits, sells,
18 offers for sale, transfers, or exchanges any firearms at a gun
19 show, regardless of whether the person arranges with a gun show
20 promoter for a fixed location from which to exhibit, sell,
21 offer for sale, transfer, or exchange any firearm.

22 "Involuntarily admitted" has the meaning as prescribed in
23 Sections 1-119 and 1-119.1 of the Mental Health and
24 Developmental Disabilities Code.

25 "Mental health facility" means any licensed private
26 hospital or hospital affiliate, institution, or facility, or

1 part thereof, and any facility, or part thereof, operated by
2 the State or a political subdivision thereof which provide
3 treatment of persons with mental illness and includes all
4 hospitals, institutions, clinics, evaluation facilities,
5 mental health centers, colleges, universities, long-term care
6 facilities, and nursing homes, or parts thereof, which provide
7 treatment of persons with mental illness whether or not the
8 primary purpose is to provide treatment of persons with mental
9 illness.

10 "National governing body" means a group of persons who
11 adopt rules and formulate policy on behalf of a national
12 firearm sporting organization.

13 "Patient" means:

14 (1) a person who voluntarily receives mental health
15 treatment as an in-patient or resident of any public or
16 private mental health facility, unless the treatment was
17 solely for an alcohol abuse disorder and no other secondary
18 substance abuse disorder or mental illness; or

19 (2) a person who voluntarily receives mental health
20 treatment as an out-patient or is provided services by a
21 public or private mental health facility, and who poses a
22 clear and present danger to himself, herself, or to others.

23 "Person with a developmental disability" means a person
24 with a disability which is attributable to any other condition
25 which results in impairment similar to that caused by an
26 intellectual disability and which requires services similar to

1 those required by persons with intellectual disabilities. The
2 disability must originate before the age of 18 years, be
3 expected to continue indefinitely, and constitute a
4 substantial disability. This disability results, in the
5 professional opinion of a physician, clinical psychologist, or
6 qualified examiner, in significant functional limitations in 3
7 or more of the following areas of major life activity:

8 (i) self-care;

9 (ii) receptive and expressive language;

10 (iii) learning;

11 (iv) mobility; or

12 (v) self-direction.

13 "Person with an intellectual disability" means a person
14 with a significantly subaverage general intellectual
15 functioning which exists concurrently with impairment in
16 adaptive behavior and which originates before the age of 18
17 years.

18 "Physician" has the meaning as defined in Section 1-120 of
19 the Mental Health and Developmental Disabilities Code.

20 "Qualified examiner" has the meaning provided in Section
21 1-122 of the Mental Health and Developmental Disabilities Code.

22 "Sanctioned competitive shooting event" means a shooting
23 contest officially recognized by a national or state shooting
24 sport association, and includes any sight-in or practice
25 conducted in conjunction with the event.

26 "School administrator" means the person required to report

1 under the School Administrator Reporting of Mental Health Clear
2 and Present Danger Determinations Law.

3 "Stun gun or taser" has the meaning ascribed to it in
4 Section 24-1 of the Criminal Code of 2012.

5 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
6 eff. 7-27-15; revised 10-20-15.)

7 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

8 Sec. 3. (a) Except as provided in Section 3a, no person may
9 knowingly transfer, or cause to be transferred, any firearm,
10 firearm ammunition, stun gun, or taser to any person within
11 this State unless the transferee with whom he deals displays
12 either: (1) a currently valid Firearm Owner's Identification
13 Card which has previously been issued in his or her name by the
14 Department of State Police under the provisions of this Act; or
15 (2) a currently valid license to carry a concealed firearm
16 which has previously been issued in his or her name by the
17 Department of State Police under the Firearm Concealed Carry
18 Act. In addition, all firearm, stun gun, and taser transfers by
19 federally licensed firearm dealers are subject to Section 3.1.
20 In addition, the transferor and transferee of a firearm shall
21 be subject to Section 3.4 of this Act regardless of whether the
22 transferor is a federally licensed firearm dealer.

23 (a-5) Any person who is not a federally licensed firearm
24 dealer and who desires to transfer or sell a firearm while that
25 person is on the grounds of a gun show must, before selling or

1 transferring the firearm, request the Department of State
2 Police to conduct a background check on the prospective
3 recipient of the firearm in accordance with Section 3.1.
4 Whenever a person who is exempt from Section 3.4 of this Act
5 transfers a firearm to a person who is not exempt, the
6 transferor shall notify the Department of State Police of the
7 transfer, on a form or in a manner prescribed by the
8 Department, within 10 days after the transfer.

9 (a-10) Notwithstanding item (2) of subsection (a) of this
10 Section, any person who is not a federally licensed firearm
11 dealer and who desires to transfer or sell a firearm or
12 firearms to any person who is not a federally licensed firearm
13 dealer shall, before selling or transferring the firearms,
14 contact the Department of State Police with the transferee's or
15 purchaser's Firearm Owner's Identification Card number to
16 determine the validity of the transferee's or purchaser's
17 Firearm Owner's Identification Card. This subsection shall not
18 be effective until January 1, 2014. The Department of State
19 Police may adopt rules concerning the implementation of this
20 subsection. The Department of State Police shall provide the
21 seller or transferor an approval number if the purchaser's
22 Firearm Owner's Identification Card is valid. Approvals issued
23 by the Department for the purchase of a firearm pursuant to
24 this subsection are valid for 30 days from the date of issue.

25 (a-15) The provisions of subsection (a-10) of this Section
26 do not apply to:

1 (1) transfers that occur at the place of business of a
2 federally licensed firearm dealer, if the federally
3 licensed firearm dealer conducts a background check on the
4 prospective recipient of the firearm in accordance with
5 Section 3.1 of this Act and follows all other applicable
6 federal, State, and local laws as if he or she were the
7 seller or transferor of the firearm, although the dealer is
8 not required to accept the firearm into his or her
9 inventory. The purchaser or transferee may be required by
10 the federally licensed firearm dealer to pay a fee not to
11 exceed \$10 per firearm, which the dealer may retain as
12 compensation for performing the functions required under
13 this paragraph, plus the applicable fees authorized by
14 Section 3.1;

15 (2) transfers as a bona fide gift to the transferor's
16 husband, wife, son, daughter, stepson, stepdaughter,
17 father, mother, stepfather, stepmother, brother, sister,
18 nephew, niece, uncle, aunt, grandfather, grandmother,
19 grandson, granddaughter, father-in-law, mother-in-law,
20 son-in-law, or daughter-in-law;

21 (3) transfers by persons acting pursuant to operation
22 of law or a court order;

23 (4) transfers on the grounds of a gun show under
24 subsection (a-5) of this Section;

25 (5) the delivery of a firearm by its owner to a
26 gunsmith for service or repair, the return of the firearm

1 to its owner by the gunsmith, or the delivery of a firearm
2 by a gunsmith to a federally licensed firearms dealer for
3 service or repair and the return of the firearm to the
4 gunsmith;

5 (6) temporary transfers that occur while in the home of
6 the unlicensed transferee, if the unlicensed transferee is
7 not otherwise prohibited from possessing firearms and the
8 unlicensed transferee reasonably believes that possession
9 of the firearm is necessary to prevent imminent death or
10 great bodily harm to the unlicensed transferee;

11 (7) transfers to a law enforcement or corrections
12 agency or a law enforcement or corrections officer acting
13 within the course and scope of his or her official duties;

14 (8) transfers of firearms that have been rendered
15 permanently inoperable to a nonprofit historical society,
16 museum, or institutional collection; and

17 (9) transfers to a person who is exempt from the
18 requirement of possessing a Firearm Owner's Identification
19 Card under Section 2 of this Act.

20 (a-20) The Department of State Police shall develop an
21 Internet-based system for individuals to determine the
22 validity of a Firearm Owner's Identification Card prior to the
23 sale or transfer of a firearm. The Department shall have the
24 Internet-based system completed and available for use by July
25 1, 2015. The Department shall adopt rules not inconsistent with
26 this Section to implement this system.

1 (b) Any person within this State who transfers or causes to
2 be transferred any firearm, stun gun, or taser shall keep a
3 record of such transfer for a period of 10 years from the date
4 of transfer. Such record shall contain the date of the
5 transfer; the description, serial number or other information
6 identifying the firearm, stun gun, or taser if no serial number
7 is available; and, if the transfer was completed within this
8 State, the transferee's Firearm Owner's Identification Card
9 number and any approval number or documentation provided by the
10 Department of State Police pursuant to subsection (a-10) of
11 this Section. On or after January 1, 2006, the record shall
12 contain the date of application for transfer of the firearm. On
13 demand of a peace officer such transferor shall produce for
14 inspection such record of transfer. If the transfer or sale
15 took place at a gun show, the record shall include the unique
16 identification number. Failure to record the unique
17 identification number or approval number is a petty offense.

18 (b-5) Any resident may purchase ammunition from a person
19 within or outside of Illinois if shipment is by United States
20 mail or by a private express carrier authorized by federal law
21 to ship ammunition. Any resident purchasing ammunition within
22 or outside the State of Illinois must provide the seller with a
23 copy of his or her valid Firearm Owner's Identification Card or
24 valid concealed carry license and either his or her Illinois
25 driver's license or Illinois State Identification Card prior to
26 the shipment of the ammunition. The ammunition may be shipped

1 only to an address on either of those 2 documents.

2 (c) The provisions of this Section regarding the transfer
3 of firearm ammunition shall not apply to those persons
4 specified in paragraph (b) of Section 2 of this Act.

5 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15.)

6 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

7 Sec. 3.1. Dial up system.

8 (a) The Department of State Police shall provide a dial up
9 telephone system or utilize other existing technology which
10 shall be used by any federally licensed firearm dealer, gun
11 show promoter, or gun show vendor who is to transfer a firearm,
12 stun gun, or taser under the provisions of this Act. The
13 Department of State Police may utilize existing technology
14 which allows the caller to be charged a fee not to exceed \$2.
15 Fees collected by the Department of State Police shall be
16 deposited in the State Police Services Fund and used to provide
17 the service.

18 (b) Upon receiving a request from a federally licensed
19 firearm dealer, gun show promoter, or gun show vendor, the
20 Department of State Police shall immediately approve, or within
21 the time period established by Section 24-3 of the Criminal
22 Code of 2012 regarding the delivery of firearms, stun guns, and
23 tasers notify the inquiring dealer, gun show promoter, or gun
24 show vendor of any objection that would disqualify the
25 transferee from acquiring or possessing a firearm, stun gun, or

1 taser. In conducting the inquiry, the Department of State
2 Police shall initiate and complete an automated search of its
3 criminal history record information files and those of the
4 Federal Bureau of Investigation, including the National
5 Instant Criminal Background Check System, and of the files of
6 the Department of Human Services relating to mental health and
7 developmental disabilities to obtain any felony conviction or
8 patient hospitalization information which would disqualify a
9 person from obtaining or require revocation of a currently
10 valid Firearm Owner's Identification Card.

11 (c) If receipt of a firearm would not violate Section 24-3
12 of the Criminal Code of 2012, federal law, or this Act the
13 Department of State Police shall:

14 (1) assign a unique identification number to the
15 transfer; and

16 (2) provide the licensee, gun show promoter, or gun
17 show vendor with the number.

18 (d) Approvals issued by the Department of State Police for
19 the purchase of a firearm are valid for 30 days from the date
20 of issue.

21 (e) (1) The Department of State Police must act as the
22 Illinois Point of Contact for the National Instant Criminal
23 Background Check System.

24 (2) The Department of State Police and the Department of
25 Human Services shall, in accordance with State and federal law
26 regarding confidentiality, enter into a memorandum of

1 understanding with the Federal Bureau of Investigation for the
2 purpose of implementing the National Instant Criminal
3 Background Check System in the State. The Department of State
4 Police shall report the name, date of birth, and physical
5 description of any person prohibited from possessing a firearm
6 pursuant to the Firearm Owners Identification Card and
7 Certificate of Firearm Registration Act or 18 U.S.C. 922(g) and
8 (n) to the National Instant Criminal Background Check System
9 Index, Denied Persons Files. The Department of State Police
10 shall implement a program to distribute grant moneys, with
11 funds appropriated for that purpose, to units of local
12 government to facilitate participation in the National Instant
13 Criminal Background Check System by their enforcement
14 agencies.

15 (3) The Department of State Police shall provide notice of
16 the disqualification of a person under subsection (b) of this
17 Section or the revocation of a person's Firearm Owner's
18 Identification Card under Section 8 of this Act, and the reason
19 for the disqualification or revocation, to all law enforcement
20 agencies with jurisdiction to assist with the seizure of the
21 person's Firearm Owner's Identification Card.

22 (f) The Department of State Police shall adopt rules not
23 inconsistent with this Section to implement this system.

24 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

25 (430 ILCS 65/3.4 new)

1 Sec. 3.4. Certificate of Firearm Registration.

2 (a) No person shall transport or possess a firearm in this
3 State without a Certificate of Firearm Registration issued for
4 that firearm by the Department of State Police.

5 (b) The provisions of this Section requiring the issuance
6 of certificates of firearm registration do not apply to the
7 following persons:

8 (1) any person who is exempt from the Firearm Owner's
9 Identification Card requirements of this Act under
10 subsection (b) of Section 2 of this Act;

11 (2) any person who is exempt from the Firearm Owner's
12 Identification Card requirements of this Act under
13 subsection (c) of Section 2 of this Act; and

14 (3) a federally licensed firearm dealer holding a new
15 firearm for transfer or sale.

16 (c) An applicant for an original or transferred certificate
17 of firearm registration shall submit an application to the
18 Department, prepared and furnished at convenient locations
19 throughout the State or by electronic means. The application
20 shall request the following information from the applicant:

21 (1) the applicant's name, address, and telephone
22 number;

23 (2) a copy of the applicant's Illinois Firearm Owner's
24 Identification Card;

25 (3) the name of the manufacturer, the caliber or gauge,
26 the model, the type, and the serial number identification

1 of the firearm to be registered;

2 (4) the source from which the firearm was obtained,
3 including the name and address of the source;

4 (5) the date the firearm was acquired;

5 (6) any other information that the Department shall
6 find reasonably necessary or desirable to effectuate the
7 purposes of this Act and to arrive at a fair determination
8 as to whether the terms of this Act have been complied
9 with; and

10 (7) an affidavit signed by the applicant certifying
11 that the applicant:

12 (A) possesses a valid Firearm Owner's
13 Identification Card;

14 (B) as of the date of application, would still be
15 eligible to receive from the Department a Firearm
16 Owner's Identification Card.

17 (d) Any person who transports or possesses a firearm
18 without a current Certificate of Firearm Registration is guilty
19 of a Class 2 felony. Any person who knowingly enters false or
20 misleading information or who submits false or misleading
21 evidence in connection with the application described in
22 subsection (c) of this Section is guilty of a Class 2 felony.
23 Any person who knows or should know that his or her registered
24 firearm is lost, stolen, missing, or destroyed but does not
25 report that occurrence to local law enforcement is guilty of a
26 Class A misdemeanor.

1 (e) The Department shall issue an original or transferred
2 certificate of registration or shall issue a written denial of
3 the application within 30 days after the application is
4 received.

5 (f) Except as provided in subsection (g) of this Section, a
6 nonrefundable application fee of \$65 shall be payable for each
7 original or transferred Certificate of Firearm Registration.
8 All moneys received from this \$65 fee shall be deposited as
9 follows:

10 (1) \$25 to the Department for the administration of
11 firearm registration;

12 (2) \$20 to the Illinois LEADS Information and
13 Technology Improvement Fund; and

14 (3) \$20 to the National Instant Criminal Background
15 Check System Improvement Fund.

16 (g) A nonrefundable application fee of \$33 shall be payable
17 for each original or transferred Certificate of Firearm
18 Registration submitted to the Department within 90 days after
19 the effective date of this amendatory Act of the 99th General
20 Assembly. All moneys received from this \$33 fee shall be
21 deposited as follows:

22 (1) \$11 to the Department for the administration of
23 firearm registration;

24 (2) \$11 to the Illinois LEADS Information and
25 Technology Improvement Fund; and

26 (3) \$11 to the National Instant Criminal Background

1 Check System Improvement Fund.

2 (h) A nonrefundable fee of \$10 shall be payable for each
3 duplicate or replacement Certificate of Firearm Registration.
4 All moneys received this \$10 fee shall be deposited with the
5 Department for the administration of firearm registration.

6 (i) Certificates of Firearm Registration shall expire
7 every 5 years. The fee for renewal of a Certificate of Firearm
8 Registration is \$25. All moneys received from this \$25 fee
9 shall be deposited with the Department for the administration
10 of firearm registration.

11 (j) Every person issued a Certificate of Firearm
12 Registration shall notify local law enforcement within 72 hours
13 of any of the following events:

14 (1) the destruction of his or her firearm, or when the
15 person knows, or should have known, that his or her firearm
16 is lost, stolen, or otherwise missing;

17 (2) the loss, theft, or destruction of the certificate
18 of firearm registration within 72 hours of the discovery of
19 the loss, theft, or destruction.

20 (j-5) Every person issued a Certificate of Firearm
21 Registration shall notify the Department in a manner prescribed
22 by the Department within 72 hours of any of the following
23 events:

24 (1) a change in any of the information appearing on the
25 Certificate of Firearm Registration;

26 (2) the sale, transfer, inheritance, or other

1 disposition of the registered firearm not less than 48
2 hours prior to delivery.

3 (k) Every person issued a Certificate of Firearm
4 Registration, in addition to any other requirements of this
5 Section, shall immediately return to the Department his or her
6 copy of the Certificate of Firearm Registration for any firearm
7 which is lost, stolen, destroyed, or otherwise disposed of.

8 (l) If an owner transfers ownership of a firearm, he or she
9 shall execute to the transferee, at the time of the delivery of
10 the firearm, an assignment of registration in the space
11 provided on the Certificate of Firearm Registration, and shall
12 cause the certificate and assignment to be delivered to the
13 transferee.

14 (l-5) In the case of a federally licensed firearm dealer
15 making a sale of a new firearm, the dealer shall submit the
16 application described in subsection (c) along with the required
17 fee to the Department on the purchaser's behalf within 20 days
18 from the date of sale. If the purchaser does not receive an
19 original Certificate of Firearm Registration or a written
20 denial of the application submitted on his or her behalf by the
21 dealer within 50 days from the date of purchase, the purchaser
22 shall inquire to the Department regarding the status of his or
23 her application.

24 (m) Within 20 days after the delivery to a transferee of a
25 firearm or the delivery of the certificate and assignment,
26 whichever occurs sooner, the transferee shall execute the

1 application for a new Certificate of Firearm Registration in
2 the space provided on the Certificate and cause the Certificate
3 and application to be mailed or delivered to the Department.

4 (n) No transferee shall knowingly accept ownership of a
5 firearm from a transferor who has failed to obtain a
6 Certificate of Firearm Registration in violation of this
7 Section, or who fails to execute an assignment of registration
8 to the transferee as required by subsection (l) of this
9 Section.

10 (o) Any person who accepts delivery of a firearm that has
11 not been previously registered and assigned to the transferee
12 shall file an application for an original certificate of
13 firearm registration within 20 days after taking possession of
14 the firearm. Any person who owns a firearm on the effective
15 date of this amendatory Act of the 99th General Assembly shall
16 file an application for an original certificate of firearm
17 registration not later than 90 days after the effective date of
18 this amendatory Act of the 99th General Assembly.

19 (p) Transfer of ownership of a registered firearm shall not
20 be considered complete until the transferee has complied with
21 subsection (m) of this Section, provided that a transferor who
22 has complied with subsections (j) and (l) of this Section, and
23 has complied with the requirements of Section 3 and 3.1, if
24 applicable, shall not be liable as an owner by virtue of the
25 transferee's failure to comply with subsection (m) for damages
26 arising out of use of the firearm.

1 (q) The Department has authority to deny an application for
2 or to revoke and seize a Certificate of Firearm Registration
3 previously issued under this Section if the Department finds
4 that:

5 (1) the person does not possess a valid Firearm Owner's
6 Identification Card;

7 (2) false or misleading information was submitted to
8 the Department in connection with the application; or

9 (3) the firearm is unlawful for the applicant to own.

10 (r) The Department of State Police and local law
11 enforcement may exchange any information that is necessary for
12 the proper administration of this Section unless the exchange
13 is specifically prohibited by State or federal law.

14 (s) Whenever an application for a certificate of firearm
15 registration is denied, whenever the Department fails to act on
16 an application within 30 days of its receipt, or whenever a
17 certificate is revoked or seized, the aggrieved party may
18 appeal to the Director of the Department of State Police for a
19 hearing upon the denial, revocation or seizure, unless the
20 denial, revocation, or seizure was based upon a forcible
21 felony, stalking, aggravated stalking, domestic battery, any
22 violation of the Illinois Controlled Substances Act, the
23 Methamphetamine Control and Community Protection Act, or the
24 Cannabis Control Act that is classified as a Class 2 or greater
25 felony, any felony violation of Article 24 of the Criminal Code
26 of 2012, or any adjudication as a delinquent minor for the

1 commission of an offense that if committed by an adult would be
2 a felony, in which case the aggrieved party may petition the
3 circuit court in writing in the county of his or her residence
4 for a hearing upon the denial, revocation, or seizure.

5 (1) At least 30 days before any hearing in the circuit
6 court, the petitioner shall serve the relevant State's
7 Attorney with a copy of the petition. The State's Attorney
8 may object to the petition and present evidence. At the
9 hearing the court shall determine whether substantial
10 justice has been done. Should the court determine that
11 substantial justice has not been done, the court shall
12 issue an order directing the Department of State Police to
13 issue a certificate.

14 (2) Any person prohibited from possessing a firearm
15 under Sections 24-1.1 or 24-3.1 of the Criminal Code of
16 2012 or acquiring a Certificate of Firearm Registration
17 under Section 3.4 of the Act may apply to the Director of
18 State Police or petition the circuit court in the county
19 where the petitioner resides, whichever is applicable in
20 accordance with this subsection (s), requesting relief
21 from the prohibition and the Director or court may grant
22 the relief if it is established by the applicant to the
23 court's or Director's satisfaction that:

24 (A) when in the circuit court, the State's Attorney
25 has been served with a written copy of the petition at
26 least 30 days before the hearing in the circuit court

1 and at the hearing the State's Attorney was afforded an
2 opportunity to present evidence and object to the
3 petition;

4 (B) the applicant has not been convicted of a
5 forcible felony under the laws of this State or any
6 other jurisdiction within 20 years of the applicant's
7 application for a Firearm Owner's Identification Card,
8 or at least 20 years have passed since the end of any
9 period of imprisonment imposed in relation to that
10 conviction;

11 (C) the circumstances regarding a criminal
12 conviction, where applicable, the applicant's criminal
13 history and his or her reputation are such that the
14 applicant will not be likely to act in a manner
15 dangerous to public safety; and

16 (D) granting relief would not be contrary to the
17 public interest.

18 (3) When a minor is adjudicated delinquent for an
19 offense which if committed by an adult would be a felony,
20 the court shall notify the Department of State Police.

21 (4) The court shall review the denial of an application
22 or the revocation of a Certificate of Firearm Registration
23 of a person who has been adjudicated delinquent for an
24 offense that if committed by an adult would be a felony if
25 an application for relief has been filed at least 10 years
26 after the adjudication of delinquency and the court

1 determines that the applicant should be granted relief from
2 disability to obtain a certificate of firearm
3 registration. If the court grants relief, the court shall
4 notify the Department of State Police that the disability
5 has been removed and that the applicant is eligible to
6 obtain a Certificate of Firearm Registration.

7 (5) Any person who is prohibited from possessing a
8 firearm under 18 U.S.C. 922(d)(4) and 922(g)(4) of the
9 federal Gun Control Act of 1968 may apply to the Department
10 of State Police requesting relief from the prohibition and
11 the Director shall grant the relief if it is established to
12 the Director's satisfaction that the person will not be
13 likely to act in a manner dangerous to public safety and
14 granting relief would not be contrary to the public
15 interest.

16 (t) Notwithstanding any other provision of law, including
17 the Freedom of Information Act, it is the public policy of this
18 State that the names and information of people who have applied
19 for or received certificates of firearm registration under this
20 Section are considered private and shall not be disclosed. No
21 State or local law enforcement agency shall provide the names
22 and information of holders of or applicants for Certificates of
23 Firearm Registration, except that the Department may provide
24 confirmation that an individual has or has not been issued,
25 applied for, or denied a Certificate of Firearm Registration in
26 connection with a criminal investigation.

1 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

2 Sec. 4. (a) Each applicant for a Firearm Owner's
3 Identification Card must:

4 (1) Make application on blank forms prepared and
5 furnished at convenient locations throughout the State by
6 the Department of State Police, or by electronic means, if
7 and when made available by the Department of State Police;
8 and

9 (2) Submit evidence to the Department of State Police
10 that:

11 (i) He or she is 21 years of age or over, or if he
12 or she is under 21 years of age that he or she has the
13 written consent of his or her parent or legal guardian
14 to possess and acquire firearms and firearm ammunition
15 and that he or she has never been convicted of a
16 misdemeanor other than a traffic offense or adjudged
17 delinquent, provided, however, that such parent or
18 legal guardian is not an individual prohibited from
19 having a Firearm Owner's Identification Card and files
20 an affidavit with the Department as prescribed by the
21 Department stating that he or she is not an individual
22 prohibited from having a Card;

23 (ii) He or she has not been convicted of a felony
24 under the laws of this or any other jurisdiction;

25 (iii) He or she is not addicted to narcotics;

1 (iv) He or she has not been a patient in a mental
2 health facility within the past 5 years or, if he or
3 she has been a patient in a mental health facility more
4 than 5 years ago submit the certification required
5 under subsection (u) of Section 8 of this Act;

6 (v) He or she is not a person with an intellectual
7 disability;

8 (vi) He or she is not an alien who is unlawfully
9 present in the United States under the laws of the
10 United States;

11 (vii) He or she is not subject to an existing order
12 of protection prohibiting him or her from possessing a
13 firearm;

14 (viii) He or she has not been convicted within the
15 past 5 years of battery, assault, aggravated assault,
16 violation of an order of protection, or a substantially
17 similar offense in another jurisdiction, in which a
18 firearm was used or possessed;

19 (ix) He or she has not been convicted of domestic
20 battery, aggravated domestic battery, or a
21 substantially similar offense in another jurisdiction
22 committed before, on or after January 1, 2012 (the
23 effective date of Public Act 97-158). If the applicant
24 knowingly and intelligently waives the right to have an
25 offense described in this clause (ix) tried by a jury,
26 and by guilty plea or otherwise, results in a

1 conviction for an offense in which a domestic
2 relationship is not a required element of the offense
3 but in which a determination of the applicability of 18
4 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
5 Code of Criminal Procedure of 1963, an entry by the
6 court of a judgment of conviction for that offense
7 shall be grounds for denying the issuance of a Firearm
8 Owner's Identification Card under this Section;

9 (x) (Blank);

10 (xi) He or she is not an alien who has been
11 admitted to the United States under a non-immigrant
12 visa (as that term is defined in Section 101(a)(26) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1101(a)(26))), or that he or she is an alien who has
15 been lawfully admitted to the United States under a
16 non-immigrant visa if that alien is:

17 (1) admitted to the United States for lawful
18 hunting or sporting purposes;

19 (2) an official representative of a foreign
20 government who is:

21 (A) accredited to the United States
22 Government or the Government's mission to an
23 international organization having its
24 headquarters in the United States; or

25 (B) en route to or from another country to
26 which that alien is accredited;

1 (3) an official of a foreign government or
2 distinguished foreign visitor who has been so
3 designated by the Department of State;

4 (4) a foreign law enforcement officer of a
5 friendly foreign government entering the United
6 States on official business; or

7 (5) one who has received a waiver from the
8 Attorney General of the United States pursuant to
9 18 U.S.C. 922(y)(3);

10 (xii) He or she is not a minor subject to a
11 petition filed under Section 5-520 of the Juvenile
12 Court Act of 1987 alleging that the minor is a
13 delinquent minor for the commission of an offense that
14 if committed by an adult would be a felony;

15 (xiii) He or she is not an adult who had been
16 adjudicated a delinquent minor under the Juvenile
17 Court Act of 1987 for the commission of an offense that
18 if committed by an adult would be a felony;

19 (xiv) He or she is a resident of the State of
20 Illinois;

21 (xv) He or she has not been adjudicated as a person
22 with a mental disability;

23 (xvi) He or she has not been involuntarily admitted
24 into a mental health facility; and

25 (xvii) He or she is not a person with a
26 developmental disability; and

1 (3) Upon request by the Department of State Police,
2 sign a release on a form prescribed by the Department of
3 State Police waiving any right to confidentiality and
4 requesting the disclosure to the Department of State Police
5 of limited mental health institution admission information
6 from another state, the District of Columbia, any other
7 territory of the United States, or a foreign nation
8 concerning the applicant for the sole purpose of
9 determining whether the applicant is or was a patient in a
10 mental health institution and disqualified because of that
11 status from receiving a Firearm Owner's Identification
12 Card. No mental health care or treatment records may be
13 requested. The information received shall be destroyed
14 within one year of receipt.

15 (a-5) Each applicant for a Firearm Owner's Identification
16 Card who is over the age of 18 shall furnish to the Department
17 of State Police either his or her Illinois driver's license
18 number or Illinois Identification Card number, except as
19 provided in subsection (a-10).

20 (a-10) Each applicant for a Firearm Owner's Identification
21 Card, who is employed as a law enforcement officer, an armed
22 security officer in Illinois, or by the United States Military
23 permanently assigned in Illinois and who is not an Illinois
24 resident, shall furnish to the Department of State Police his
25 or her driver's license number or state identification card
26 number from his or her state of residence. The Department of

1 State Police may adopt rules to enforce the provisions of this
2 subsection (a-10).

3 (a-15) If an applicant applying for a Firearm Owner's
4 Identification Card moves from the residence address named in
5 the application, he or she shall immediately notify in a form
6 and manner prescribed by the Department of State Police of that
7 change of address.

8 (a-20) Each applicant for a Firearm Owner's Identification
9 Card shall furnish to the Department of State Police his or her
10 photograph. An applicant who is 21 years of age or older
11 seeking a religious exemption to the photograph requirement
12 must furnish with the application an approved copy of United
13 States Department of the Treasury Internal Revenue Service Form
14 4029. In lieu of a photograph, an applicant regardless of age
15 seeking a religious exemption to the photograph requirement
16 shall submit fingerprints on a form and manner prescribed by
17 the Department with his or her application.

18 (b) Each application form shall include the following
19 statement printed in bold type: "Warning: Entering false
20 information on an application for a Firearm Owner's
21 Identification Card is punishable as a Class 2 felony in
22 accordance with subsection (d-5) of Section 14 of the Firearm
23 Owners Identification Card and Certificate of Firearm
24 Registration Act."

25 (c) Upon such written consent, pursuant to Section 4,
26 paragraph (a)(2)(i), the parent or legal guardian giving the

1 consent shall be liable for any damages resulting from the
2 applicant's use of firearms or firearm ammunition.

3 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

4 (430 ILCS 65/6.1)

5 Sec. 6.1. Altered, forged or counterfeit Firearm Owner's
6 Identification Cards.

7 (a) Any person who forges or materially alters a Firearm
8 Owner's Identification Card or Certificate of Firearm
9 Registration or who counterfeits a Firearm Owner's
10 Identification Card or Certificate of Firearm Registration
11 commits a Class 2 felony.

12 (b) Any person who knowingly possesses a forged or
13 materially altered Firearm Owner's Identification Card or
14 Certificate of Firearm Registration with the intent to use it
15 commits a Class 2 felony. A person who possesses a Firearm
16 Owner's Identification Card or Certificate of Firearm
17 Registration with knowledge that it is counterfeit commits a
18 Class 2 felony.

19 (Source: P.A. 92-414, eff. 1-1-02.)

20 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

21 Sec. 14. Sentence.

22 (a) Except as provided in subsection (a-5), a violation of
23 paragraph (1) of subsection (a) of Section 2, when the person's
24 Firearm Owner's Identification Card is expired but the person

1 is not otherwise disqualified from renewing the card, is a
2 Class A misdemeanor.

3 (a-5) A violation of paragraph (1) of subsection (a) of
4 Section 2, when the person's Firearm Owner's Identification
5 Card is expired but the person is not otherwise disqualified
6 from owning, purchasing, or possessing firearms, is a petty
7 offense if the card was expired for 6 months or less from the
8 date of expiration.

9 (b) Except as provided in subsection (a) with respect to an
10 expired card, a violation of paragraph (1) of subsection (a) of
11 Section 2 is a Class A misdemeanor when the person does not
12 possess a currently valid Firearm Owner's Identification Card,
13 but is otherwise eligible under this Act. A second or
14 subsequent violation is a Class 4 felony.

15 (c) A violation of paragraph (1) of subsection (a) of
16 Section 2 is a Class 3 felony when:

17 (1) the person's Firearm Owner's Identification Card
18 is revoked or subject to revocation under Section 8; or

19 (2) the person's Firearm Owner's Identification Card
20 is expired and not otherwise eligible for renewal under
21 this Act; or

22 (3) the person does not possess a currently valid
23 Firearm Owner's Identification Card, and the person is not
24 otherwise eligible under this Act.

25 (d) A violation of subsection (a) of Section 3 is a Class 4
26 felony. A third or subsequent conviction is a Class 1 felony.

1 (d-5) Any person who knowingly enters false information on
2 an application for a Firearm Owner's Identification Card or a
3 Certificate of Firearm Registration, who knowingly gives a
4 false answer to any question on the application, or who
5 knowingly submits false evidence in connection with an
6 application is guilty of a Class 2 felony.

7 (e) Except as provided by Section 6.1 of this Act, any
8 other violation of this Act is a Class A misdemeanor.

9 (Source: P.A. 97-1131, eff. 1-1-13.)

10 Section 50. The Firearm Concealed Carry Act is amended by
11 changing Sections 25, 30, 40, 70, 80, and 105 as follows:

12 (430 ILCS 66/25)

13 Sec. 25. Qualifications for a license.

14 The Department shall issue a license to an applicant
15 completing an application in accordance with Section 30 of this
16 Act if the person:

17 (1) is at least 21 years of age;

18 (2) has a currently valid Firearm Owner's
19 Identification Card and at the time of application meets
20 the requirements for the issuance of a Firearm Owner's
21 Identification Card and is not prohibited under the Firearm
22 Owners Identification Card and Certificate of Firearm
23 Registration Act or federal law from possessing or
24 receiving a firearm;

1 (3) has not been convicted or found guilty in this
2 State or in any other state of:

3 (A) a misdemeanor involving the use or threat of
4 physical force or violence to any person within the 5
5 years preceding the date of the license application; or

6 (B) 2 or more violations related to driving while
7 under the influence of alcohol, other drug or drugs,
8 intoxicating compound or compounds, or any combination
9 thereof, within the 5 years preceding the date of the
10 license application;

11 (4) is not the subject of a pending arrest warrant,
12 prosecution, or proceeding for an offense or action that
13 could lead to disqualification to own or possess a firearm;

14 (5) has not been in residential or court-ordered
15 treatment for alcoholism, alcohol detoxification, or drug
16 treatment within the 5 years immediately preceding the date
17 of the license application; and

18 (6) has completed firearms training and any education
19 component required under Section 75 of this Act.

20 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

21 (430 ILCS 66/30)

22 Sec. 30. Contents of license application.

23 (a) The license application shall be in writing, under
24 penalty of perjury, on a standard form adopted by the
25 Department and shall be accompanied by the documentation

1 required in this Section and the applicable fee. Each
2 application form shall include the following statement printed
3 in bold type: "Warning: Entering false information on this form
4 is punishable as perjury under Section 32-2 of the Criminal
5 Code of 2012."

6 (b) The application shall contain the following:

7 (1) the applicant's name, current address, date and
8 year of birth, place of birth, height, weight, hair color,
9 eye color, maiden name or any other name the applicant has
10 used or identified with, and any address where the
11 applicant resided for more than 30 days within the 10 years
12 preceding the date of the license application;

13 (2) the applicant's valid driver's license number or
14 valid state identification card number;

15 (3) a waiver of the applicant's privacy and
16 confidentiality rights and privileges under all federal
17 and state laws, including those limiting access to juvenile
18 court, criminal justice, psychological, or psychiatric
19 records or records relating to any institutionalization of
20 the applicant, and an affirmative request that a person
21 having custody of any of these records provide it or
22 information concerning it to the Department. The waiver
23 only applies to records sought in connection with
24 determining whether the applicant qualifies for a license
25 to carry a concealed firearm under this Act, or whether the
26 applicant remains in compliance with the Firearm Owners

1 Identification Card and Certificate of Firearm
2 Registration Act;

3 (4) an affirmation that the applicant possesses a
4 currently valid Firearm Owner's Identification Card and
5 card number if possessed or notice the applicant is
6 applying for a Firearm Owner's Identification Card in
7 conjunction with the license application;

8 (5) an affirmation that the applicant has not been
9 convicted or found guilty of:

10 (A) a felony;

11 (B) a misdemeanor involving the use or threat of
12 physical force or violence to any person within the 5
13 years preceding the date of the application; or

14 (C) 2 or more violations related to driving while
15 under the influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any combination
17 thereof, within the 5 years preceding the date of the
18 license application; and

19 (6) whether the applicant has failed a drug test for a
20 drug for which the applicant did not have a prescription,
21 within the previous year, and if so, the provider of the
22 test, the specific substance involved, and the date of the
23 test;

24 (7) written consent for the Department to review and
25 use the applicant's Illinois digital driver's license or
26 Illinois identification card photograph and signature;

1 (8) a full set of fingerprints submitted to the
2 Department in electronic format, provided the Department
3 may accept an application submitted without a set of
4 fingerprints in which case the Department shall be granted
5 30 days in addition to the 90 days provided under
6 subsection (e) of Section 10 of this Act to issue or deny a
7 license;

8 (9) a head and shoulder color photograph in a size
9 specified by the Department taken within the 30 days
10 preceding the date of the license application; and

11 (10) a photocopy of any certificates or other evidence
12 of compliance with the training requirements under this
13 Act.

14 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

15 (430 ILCS 66/40)

16 Sec. 40. Non-resident license applications.

17 (a) For the purposes of this Section, "non-resident" means
18 a person who has not resided within this State for more than 30
19 days and resides in another state or territory.

20 (b) The Department shall by rule allow for non-resident
21 license applications from any state or territory of the United
22 States with laws related to firearm ownership, possession, and
23 carrying, that are substantially similar to the requirements to
24 obtain a license under this Act.

25 (c) A resident of a state or territory approved by the

1 Department under subsection (b) of this Section may apply for a
2 non-resident license. The applicant shall apply to the
3 Department and must meet all of the qualifications established
4 in Section 25 of this Act, except for the Illinois residency
5 requirement in item (xiv) of paragraph (2) of subsection (a) of
6 Section 4 of the Firearm Owners Identification Card and
7 Certificate of Firearm Registration Act. The applicant shall
8 submit:

9 (1) the application and documentation required under
10 Section 30 of this Act and the applicable fee;

11 (2) a notarized document stating that the applicant:

12 (A) is eligible under federal law and the laws of
13 his or her state or territory of residence to own or
14 possess a firearm;

15 (B) if applicable, has a license or permit to carry
16 a firearm or concealed firearm issued by his or her
17 state or territory of residence and attach a copy of
18 the license or permit to the application;

19 (C) understands Illinois laws pertaining to the
20 possession and transport of firearms; and

21 (D) acknowledges that the applicant is subject to
22 the jurisdiction of the Department and Illinois courts
23 for any violation of this Act;

24 (3) a photocopy of any certificates or other evidence
25 of compliance with the training requirements under Section
26 75 of this Act; and

1 (4) a head and shoulder color photograph in a size
2 specified by the Department taken within the 30 days
3 preceding the date of the application.

4 (d) In lieu of an Illinois driver's license or Illinois
5 identification card, a non-resident applicant shall provide
6 similar documentation from his or her state or territory of
7 residence. In lieu of a valid Firearm Owner's Identification
8 Card, the applicant shall submit documentation and information
9 required by the Department to obtain a Firearm Owner's
10 Identification Card, including an affidavit that the
11 non-resident meets the mental health standards to obtain a
12 firearm under Illinois law, and the Department shall ensure
13 that the applicant would meet the eligibility criteria to
14 obtain a Firearm Owner's Identification card if he or she was a
15 resident of this State.

16 (e) Nothing in this Act shall prohibit a non-resident from
17 transporting a concealed firearm within his or her vehicle in
18 Illinois, if the concealed firearm remains within his or her
19 vehicle and the non-resident:

20 (1) is not prohibited from owning or possessing a
21 firearm under federal law;

22 (2) is eligible to carry a firearm in public under the
23 laws of his or her state or territory of residence, as
24 evidenced by the possession of a concealed carry license or
25 permit issued by his or her state of residence, if
26 applicable; and

1 (3) is not in possession of a license under this Act.

2 If the non-resident leaves his or her vehicle unattended,
3 he or she shall store the firearm within a locked vehicle or
4 locked container within the vehicle in accordance with
5 subsection (b) of Section 65 of this Act.

6 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,
7 eff. 7-20-15.)

8 (430 ILCS 66/70)

9 Sec. 70. Violations.

10 (a) A license issued or renewed under this Act shall be
11 revoked if, at any time, the licensee is found to be ineligible
12 for a license under this Act or the licensee no longer meets
13 the eligibility requirements of the Firearm Owners
14 Identification Card and Certificate of Firearm Registration
15 Act.

16 (b) A license shall be suspended if an order of protection,
17 including an emergency order of protection, plenary order of
18 protection, or interim order of protection under Article 112A
19 of the Code of Criminal Procedure of 1963 or under the Illinois
20 Domestic Violence Act of 1986, is issued against a licensee for
21 the duration of the order, or if the Department is made aware
22 of a similar order issued against the licensee in any other
23 jurisdiction. If an order of protection is issued against a
24 licensee, the licensee shall surrender the license, as
25 applicable, to the court at the time the order is entered or to

1 the law enforcement agency or entity serving process at the
2 time the licensee is served the order. The court, law
3 enforcement agency, or entity responsible for serving the order
4 of protection shall notify the Department within 7 days and
5 transmit the license to the Department.

6 (c) A license is invalid upon expiration of the license,
7 unless the licensee has submitted an application to renew the
8 license, and the applicant is otherwise eligible to possess a
9 license under this Act.

10 (d) A licensee shall not carry a concealed firearm while
11 under the influence of alcohol, other drug or drugs,
12 intoxicating compound or combination of compounds, or any
13 combination thereof, under the standards set forth in
14 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

15 A licensee in violation of this subsection (d) shall be
16 guilty of a Class A misdemeanor for a first or second violation
17 and a Class 4 felony for a third violation. The Department may
18 suspend a license for up to 6 months for a second violation and
19 shall permanently revoke a license for a third violation.

20 (e) Except as otherwise provided, a licensee in violation
21 of this Act shall be guilty of a Class B misdemeanor. A second
22 or subsequent violation is a Class A misdemeanor. The
23 Department may suspend a license for up to 6 months for a
24 second violation and shall permanently revoke a license for 3
25 or more violations of Section 65 of this Act. Any person
26 convicted of a violation under this Section shall pay a \$150

1 fee to be deposited into the Mental Health Reporting Fund, plus
2 any applicable court costs or fees.

3 (f) A licensee convicted or found guilty of a violation of
4 this Act who has a valid license and is otherwise eligible to
5 carry a concealed firearm shall only be subject to the
6 penalties under this Section and shall not be subject to the
7 penalties under Section 21-6, paragraph (4), (8), or (10) of
8 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
9 of paragraph (3) of subsection (a) of Section 24-1.6 of the
10 Criminal Code of 2012. Except as otherwise provided in this
11 subsection, nothing in this subsection prohibits the licensee
12 from being subjected to penalties for violations other than
13 those specified in this Act.

14 (g) A licensee whose license is revoked, suspended, or
15 denied shall, within 48 hours of receiving notice of the
16 revocation, suspension, or denial, surrender his or her
17 concealed carry license to the local law enforcement agency
18 where the person resides. The local law enforcement agency
19 shall provide the licensee a receipt and transmit the concealed
20 carry license to the Department of State Police. If the
21 licensee whose concealed carry license has been revoked,
22 suspended, or denied fails to comply with the requirements of
23 this subsection, the law enforcement agency where the person
24 resides may petition the circuit court to issue a warrant to
25 search for and seize the concealed carry license in the
26 possession and under the custody or control of the licensee

1 whose concealed carry license has been revoked, suspended, or
2 denied. The observation of a concealed carry license in the
3 possession of a person whose license has been revoked,
4 suspended, or denied constitutes a sufficient basis for the
5 arrest of that person for violation of this subsection. A
6 violation of this subsection is a Class A misdemeanor.

7 (h) A license issued or renewed under this Act shall be
8 revoked if, at any time, the licensee is found ineligible for a
9 Firearm Owner's Identification Card, or the licensee no longer
10 possesses a valid Firearm Owner's Identification Card. A
11 licensee whose license is revoked under this subsection (h)
12 shall surrender his or her concealed carry license as provided
13 for in subsection (g) of this Section.

14 This subsection shall not apply to a person who has filed
15 an application with the State Police for renewal of a Firearm
16 Owner's Identification Card and who is not otherwise ineligible
17 to obtain a Firearm Owner's Identification Card.

18 (i) A certified firearms instructor who knowingly provides
19 or offers to provide a false certification that an applicant
20 has completed firearms training as required under this Act is
21 guilty of a Class A misdemeanor. A person guilty of a violation
22 of this subsection (i) is not eligible for court supervision.
23 The Department shall permanently revoke the firearms
24 instructor certification of a person convicted under this
25 subsection (i).

26 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899,

1 eff. 8-15-14.)

2 (430 ILCS 66/80)

3 Sec. 80. Certified firearms instructors.

4 (a) Within 60 days of the effective date of this Act, the
5 Department shall begin approval of certified firearms
6 instructors and enter certified firearms instructors into an
7 online registry on the Department's website.

8 (b) A person who is not a certified firearms instructor
9 shall not teach applicant training courses or advertise or
10 otherwise represent courses they teach as qualifying their
11 students to meet the requirements to receive a license under
12 this Act. Each violation of this subsection is a business
13 offense with a fine of at least \$1,000 per violation.

14 (c) A person seeking to become a certified firearms
15 instructor shall:

16 (1) be at least 21 years of age;

17 (2) be a legal resident of the United States; and

18 (3) meet the requirements of Section 25 of this Act,
19 except for the Illinois residency requirement in item (xiv)
20 of paragraph (2) of subsection (a) of Section 4 of the
21 Firearm Owners Identification Card and Certificate of
22 Firearm Registration Act; and any additional uniformly
23 applied requirements established by the Department.

24 (d) A person seeking to become a certified firearms
25 instructor, in addition to the requirements of subsection (c)

1 of this Section, shall:

2 (1) possess a high school diploma or high school
3 equivalency certificate; and

4 (2) have at least one of the following valid firearms
5 instructor certifications:

6 (A) certification from a law enforcement agency;

7 (B) certification from a firearm instructor course
8 offered by a State or federal governmental agency;

9 (C) certification from a firearm instructor
10 qualification course offered by the Illinois Law
11 Enforcement Training Standards Board; or

12 (D) certification from an entity approved by the
13 Department that offers firearm instructor education
14 and training in the use and safety of firearms.

15 (e) A person may have his or her firearms instructor
16 certification denied or revoked if he or she does not meet the
17 requirements to obtain a license under this Act, provides false
18 or misleading information to the Department, or has had a prior
19 instructor certification revoked or denied by the Department.

20 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 98-718,
21 eff. 1-1-15.)

22 (430 ILCS 66/105)

23 Sec. 105. Duty of school administrator. It is the duty of
24 the principal of a public elementary or secondary school, or
25 his or her designee, and the chief administrative officer of a

1 private elementary or secondary school or a public or private
2 community college, college, or university, or his or her
3 designee, to report to the Department of State Police when a
4 student is determined to pose a clear and present danger to
5 himself, herself, or to others, within 24 hours of the
6 determination as provided in Section 6-103.3 of the Mental
7 Health and Developmental Disabilities Code. "Clear and present
8 danger" has the meaning as provided in paragraph (2) of the
9 definition of "clear and present danger" in Section 1.1 of the
10 Firearm Owners Identification Card and Certificate of Firearm
11 Registration Act.

12 (Source: P.A. 98-63, eff. 7-9-13.)

13 Section 55. The Wildlife Code is amended by changing
14 Section 3.2 as follows:

15 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

16 Sec. 3.2. Hunting license; application; instruction.
17 Before the Department or any county, city, village, township,
18 incorporated town clerk or his duly designated agent or any
19 other person authorized or designated by the Department to
20 issue hunting licenses shall issue a hunting license to any
21 person, the person shall file his application with the
22 Department or other party authorized to issue licenses on a
23 form provided by the Department and further give definite proof
24 of identity and place of legal residence. Each clerk

1 designating agents to issue licenses and stamps shall furnish
2 the Department, within 10 days following the appointment, the
3 names and mailing addresses of the agents. Each clerk or his
4 duly designated agent shall be authorized to sell licenses and
5 stamps only within the territorial area for which he was
6 elected or appointed. No duly designated agent is authorized to
7 furnish licenses or stamps for issuance by any other business
8 establishment. Each application shall be executed and sworn to
9 and shall set forth the name and description of the applicant
10 and place of residence.

11 No hunting license shall be issued to any person born on or
12 after January 1, 1980 unless he presents the person authorized
13 to issue the license evidence that he has held a hunting
14 license issued by the State of Illinois or another state in a
15 prior year, or a certificate of competency as provided in this
16 Section. Persons under 16 years of age may be issued a Lifetime
17 Hunting or Sportsmen's Combination License as provided under
18 Section 20-45 of the Fish and Aquatic Life Code but shall not
19 be entitled to hunt unless they have a certificate of
20 competency as provided in this Section and they shall have the
21 certificate in their possession while hunting.

22 The Department of Natural Resources shall authorize
23 personnel of the Department or certified volunteer instructors
24 to conduct courses, of not less than 10 hours in length, in
25 firearms and hunter safety, which may include training in bow
26 and arrow safety, at regularly specified intervals throughout

1 the State. Persons successfully completing the course shall
2 receive a certificate of competency. The Department of Natural
3 Resources may further cooperate with any reputable association
4 or organization in establishing courses if the organization has
5 as one of its objectives the promotion of safety in the
6 handling of firearms or bow and arrow.

7 The Department of Natural Resources shall designate any
8 person found by it to be competent to give instruction in the
9 handling of firearms, hunter safety, and bow and arrow. The
10 persons so appointed shall give the course of instruction and
11 upon the successful completion shall issue to the person
12 instructed a certificate of competency in the safe handling of
13 firearms, hunter safety, and bow and arrow. No charge shall be
14 made for any course of instruction except for materials or
15 ammunition consumed. The Department of Natural Resources shall
16 furnish information on the requirements of hunter safety
17 education programs to be distributed free of charge to
18 applicants for hunting licenses by the persons appointed and
19 authorized to issue licenses. Funds for the conducting of
20 firearms and hunter safety courses shall be taken from the fee
21 charged for the Firearm Owners Identification Card and
22 Certificate of Firearm Registration.

23 The fee for a hunting license to hunt all species for a
24 resident of Illinois is \$12. For residents age 65 or older,
25 and, commencing with the 2012 license year, resident veterans
26 of the United States Armed Forces after returning from service

1 abroad or mobilization by the President of the United States,
2 the fee is one-half of the fee charged for a hunting license to
3 hunt all species for a resident of Illinois. Veterans must
4 provide to the Department, at one of the Department's 5
5 regional offices, verification of their service. The
6 Department shall establish what constitutes suitable
7 verification of service for the purpose of issuing resident
8 veterans hunting licenses at a reduced fee. The fee for a
9 hunting license to hunt all species shall be \$1 for residents
10 over 75 years of age. Nonresidents shall be charged \$57 for a
11 hunting license.

12 Nonresidents may be issued a nonresident hunting license
13 for a period not to exceed 10 consecutive days' hunting in the
14 State and shall be charged a fee of \$35.

15 A special nonresident hunting license authorizing a
16 nonresident to take game birds by hunting on a game breeding
17 and hunting preserve area only, established under Section 3.27,
18 shall be issued upon proper application being made and payment
19 of a fee equal to that for a resident hunting license. The
20 expiration date of this license shall be on the same date each
21 year that game breeding and hunting preserve area licenses
22 expire.

23 Each applicant for a State Migratory Waterfowl Stamp,
24 regardless of his residence or other condition, shall pay a fee
25 of \$15 and shall receive a stamp. The fee for a State Migratory
26 Waterfowl Stamp shall be waived for residents over 75 years of

1 age. Except as provided under Section 20-45 of the Fish and
2 Aquatic Life Code, the stamp shall be signed by the person or
3 affixed to his license or permit in a space designated by the
4 Department for that purpose.

5 Each applicant for a State Habitat Stamp, regardless of his
6 residence or other condition, shall pay a fee of \$5 and shall
7 receive a stamp. The fee for a State Habitat Stamp shall be
8 waived for residents over 75 years of age. Except as provided
9 under Section 20-45 of the Fish and Aquatic Life Code, the
10 stamp shall be signed by the person or affixed to his license
11 or permit in a space designated by the Department for that
12 purpose.

13 Nothing in this Section shall be construed as to require
14 the purchase of more than one State Habitat Stamp by any person
15 in any one license year.

16 The fees for State Pheasant Stamps and State Furbearer
17 Stamps shall be waived for residents over 75 years of age.

18 The Department shall furnish the holders of hunting
19 licenses and stamps with an insignia as evidence of possession
20 of license, or license and stamp, as the Department may
21 consider advisable. The insignia shall be exhibited and used as
22 the Department may order.

23 All other hunting licenses and all State stamps shall
24 expire upon March 31 of each year.

25 Every person holding any license, permit, or stamp issued
26 under the provisions of this Act shall have it in his

1 possession for immediate presentation for inspection to the
2 officers and authorized employees of the Department, any
3 sheriff, deputy sheriff, or any other peace officer making a
4 demand for it. This provision shall not apply to Department
5 owned or managed sites where it is required that all hunters
6 deposit their license, permit, or Firearm Owner's
7 Identification Card at the check station upon entering the
8 hunting areas.

9 (Source: P.A. 97-498, eff. 4-1-12; 98-800, eff. 8-1-14.)

10 Section 60. The Clerks of Courts Act is amended by changing
11 Section 27.3a as follows:

12 (705 ILCS 105/27.3a)

13 Sec. 27.3a. Fees for automated record keeping, probation
14 and court services operations, and State and Conservation
15 Police operations.

16 1. The expense of establishing and maintaining automated
17 record keeping systems in the offices of the clerks of the
18 circuit court shall be borne by the county. To defray such
19 expense in any county having established such an automated
20 system or which elects to establish such a system, the county
21 board may require the clerk of the circuit court in their
22 county to charge and collect a court automation fee of not less
23 than \$1 nor more than \$25 to be charged and collected by the
24 clerk of the court. Such fee shall be paid at the time of

1 filing the first pleading, paper or other appearance filed by
2 each party in all civil cases or by the defendant in any
3 felony, traffic, misdemeanor, municipal ordinance, or
4 conservation case upon a judgment of guilty or grant of
5 supervision, provided that the record keeping system which
6 processes the case category for which the fee is charged is
7 automated or has been approved for automation by the county
8 board, and provided further that no additional fee shall be
9 required if more than one party is presented in a single
10 pleading, paper or other appearance. Such fee shall be
11 collected in the manner in which all other fees or costs are
12 collected.

13 1.1. Starting on July 6, 2012 (the effective date of Public
14 Act 97-761) and pursuant to an administrative order from the
15 chief judge of the circuit or the presiding judge of the county
16 authorizing such collection, a clerk of the circuit court in
17 any county that imposes a fee pursuant to subsection 1 of this
18 Section shall also charge and collect an additional \$10
19 operations fee for probation and court services department
20 operations.

21 This additional fee shall be paid by the defendant in any
22 felony, traffic, misdemeanor, local ordinance, or conservation
23 case upon a judgment of guilty or grant of supervision, except
24 such \$10 operations fee shall not be charged and collected in
25 cases governed by Supreme Court Rule 529 in which the bail
26 amount is \$120 or less.

1 1.2. With respect to the fee imposed and collected under
2 subsection 1.1 of this Section, each clerk shall transfer all
3 fees monthly to the county treasurer for deposit into the
4 probation and court services fund created under Section 15.1 of
5 the Probation and Probation Officers Act, and such monies shall
6 be disbursed from the fund only at the direction of the chief
7 judge of the circuit or another judge designated by the Chief
8 Circuit Judge in accordance with the policies and guidelines
9 approved by the Supreme Court.

10 1.5. Starting on June 1, 2014, a clerk of the circuit court
11 in any county that imposes a fee pursuant to subsection 1 of
12 this Section, shall charge and collect an additional fee in an
13 amount equal to the amount of the fee imposed pursuant to
14 subsection 1 of this Section, except the fee imposed under this
15 subsection may not be more than \$15. This additional fee shall
16 be paid by the defendant in any felony, traffic, misdemeanor,
17 or local ordinance case upon a judgment of guilty or grant of
18 supervision. This fee shall not be paid by the defendant for
19 any violation listed in subsection 1.6 of this Section.

20 1.6. Starting on June 1, 2014, a clerk of the circuit court
21 in any county that imposes a fee pursuant to subsection 1 of
22 this Section shall charge and collect an additional fee in an
23 amount equal to the amount of the fee imposed pursuant to
24 subsection 1 of this Section, except the fee imposed under this
25 subsection may not be more than \$15. This additional fee shall
26 be paid by the defendant upon a judgment of guilty or grant of

1 supervision for a violation under the State Parks Act, the
2 Recreational Trails of Illinois Act, the Illinois Explosives
3 Act, the Timber Buyers Licensing Act, the Forest Products
4 Transportation Act, the Firearm Owners Identification Card and
5 Certificate of Firearm Registration Act, the Environmental
6 Protection Act, the Fish and Aquatic Life Code, the Wildlife
7 Code, the Cave Protection Act, the Illinois Exotic Weed Act,
8 the Illinois Forestry Development Act, the Ginseng Harvesting
9 Act, the Illinois Lake Management Program Act, the Illinois
10 Natural Areas Preservation Act, the Illinois Open Land Trust
11 Act, the Open Space Lands Acquisition and Development Act, the
12 Illinois Prescribed Burning Act, the State Forest Act, the
13 Water Use Act of 1983, the Illinois Veteran, Youth, and Young
14 Adult Conservation Jobs Act, the Snowmobile Registration and
15 Safety Act, the Boat Registration and Safety Act, the Illinois
16 Dangerous Animals Act, the Hunter and Fishermen Interference
17 Prohibition Act, the Wrongful Tree Cutting Act, or Section
18 11-1426.1, 11-1426.2, 11-1427, 11-1427.1, 11-1427.2,
19 11-1427.3, 11-1427.4, or 11-1427.5 of the Illinois Vehicle
20 Code, or Section 48-3 or 48-10 of the Criminal Code of 2012.

21 2. With respect to the fee imposed under subsection 1 of
22 this Section, each clerk shall commence such charges and
23 collections upon receipt of written notice from the chairman of
24 the county board together with a certified copy of the board's
25 resolution, which the clerk shall file of record in his office.

26 3. With respect to the fee imposed under subsection 1 of

1 this Section, such fees shall be in addition to all other fees
2 and charges of such clerks, and assessable as costs, and may be
3 waived only if the judge specifically provides for the waiver
4 of the court automation fee. The fees shall be remitted monthly
5 by such clerk to the county treasurer, to be retained by him in
6 a special fund designated as the court automation fund. The
7 fund shall be audited by the county auditor, and the board
8 shall make expenditure from the fund in payment of any cost
9 related to the automation of court records, including hardware,
10 software, research and development costs and personnel related
11 thereto, provided that the expenditure is approved by the clerk
12 of the court and by the chief judge of the circuit court or his
13 designate.

14 4. With respect to the fee imposed under subsection 1 of
15 this Section, such fees shall not be charged in any matter
16 coming to any such clerk on change of venue, nor in any
17 proceeding to review the decision of any administrative
18 officer, agency or body.

19 5. With respect to the additional fee imposed under
20 subsection 1.5 of this Section, the fee shall be remitted by
21 the circuit clerk to the State Treasurer within one month after
22 receipt for deposit into the State Police Operations Assistance
23 Fund.

24 6. With respect to the additional fees imposed under
25 subsection 1.5 of this Section, the Director of State Police
26 may direct the use of these fees for homeland security purposes

1 by transferring these fees on a quarterly basis from the State
2 Police Operations Assistance Fund into the Illinois Law
3 Enforcement Alarm Systems (ILEAS) Fund for homeland security
4 initiatives programs. The transferred fees shall be allocated,
5 subject to the approval of the ILEAS Executive Board, as
6 follows: (i) 66.6% shall be used for homeland security
7 initiatives and (ii) 33.3% shall be used for airborne
8 operations. The ILEAS Executive Board shall annually supply the
9 Director of State Police with a report of the use of these
10 fees.

11 7. With respect to the additional fee imposed under
12 subsection 1.6 of this Section, the fee shall be remitted by
13 the circuit clerk to the State Treasurer within one month after
14 receipt for deposit into the Conservation Police Operations
15 Assistance Fund.

16 (Source: P.A. 97-46, eff. 7-1-12; 97-453, eff. 8-19-11; 97-738,
17 eff. 7-5-12; 97-761, eff. 7-6-12; 97-813, eff. 7-13-12;
18 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-375, eff.
19 8-16-13; 98-606, eff. 6-1-14; 98-1016, eff. 8-22-14.)

20 Section 65. The Criminal Code of 2012 is amended by
21 changing Sections 2-7.1, 2-7.5, 12-3.05, 17-30, 24-1.1,
22 24-1.6, 24-3, 24-3.2, 24-3.4, 24-3.5, and 24-9 as follows:

23 (720 ILCS 5/2-7.1)

24 Sec. 2-7.1. "Firearm" and "firearm ammunition". "Firearm"

1 and "firearm ammunition" have the meanings ascribed to them in
2 Section 1.1 of the Firearm Owners Identification Card and
3 Certificate of Firearm Registration Act.

4 (Source: P.A. 91-544, eff. 1-1-00.)

5 (720 ILCS 5/2-7.5)

6 Sec. 2-7.5. "Firearm". Except as otherwise provided in a
7 specific Section, "firearm" has the meaning ascribed to it in
8 Section 1.1 of the Firearm Owners Identification Card and
9 Certificate of Firearm Registration Act.

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

12 Sec. 12-3.05. Aggravated battery.

13 (a) Offense based on injury. A person commits aggravated
14 battery when, in committing a battery, other than by the
15 discharge of a firearm, he or she knowingly does any of the
16 following:

17 (1) Causes great bodily harm or permanent disability or
18 disfigurement.

19 (2) Causes severe and permanent disability, great
20 bodily harm, or disfigurement by means of a caustic or
21 flammable substance, a poisonous gas, a deadly biological
22 or chemical contaminant or agent, a radioactive substance,
23 or a bomb or explosive compound.

24 (3) Causes great bodily harm or permanent disability or

1 disfigurement to an individual whom the person knows to be
2 a peace officer, community policing volunteer, fireman,
3 private security officer, correctional institution
4 employee, or Department of Human Services employee
5 supervising or controlling sexually dangerous persons or
6 sexually violent persons:

7 (i) performing his or her official duties;

8 (ii) battered to prevent performance of his or her
9 official duties; or

10 (iii) battered in retaliation for performing his
11 or her official duties.

12 (4) Causes great bodily harm or permanent disability or
13 disfigurement to an individual 60 years of age or older.

14 (5) Strangles another individual.

15 (b) Offense based on injury to a child or person with an
16 intellectual disability. A person who is at least 18 years of
17 age commits aggravated battery when, in committing a battery,
18 he or she knowingly and without legal justification by any
19 means:

20 (1) causes great bodily harm or permanent disability or
21 disfigurement to any child under the age of 13 years, or to
22 any person with a severe or profound intellectual
23 disability; or

24 (2) causes bodily harm or disability or disfigurement
25 to any child under the age of 13 years or to any person
26 with a severe or profound intellectual disability.

1 (c) Offense based on location of conduct. A person commits
2 aggravated battery when, in committing a battery, other than by
3 the discharge of a firearm, he or she is or the person battered
4 is on or about a public way, public property, a public place of
5 accommodation or amusement, a sports venue, or a domestic
6 violence shelter.

7 (d) Offense based on status of victim. A person commits
8 aggravated battery when, in committing a battery, other than by
9 discharge of a firearm, he or she knows the individual battered
10 to be any of the following:

11 (1) A person 60 years of age or older.

12 (2) A person who is pregnant or has a physical
13 disability.

14 (3) A teacher or school employee upon school grounds or
15 grounds adjacent to a school or in any part of a building
16 used for school purposes.

17 (4) A peace officer, community policing volunteer,
18 fireman, private security officer, correctional
19 institution employee, or Department of Human Services
20 employee supervising or controlling sexually dangerous
21 persons or sexually violent persons:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his
26 or her official duties.

1 (5) A judge, emergency management worker, emergency
2 medical technician, or utility worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (6) An officer or employee of the State of Illinois, a
9 unit of local government, or a school district, while
10 performing his or her official duties.

11 (7) A transit employee performing his or her official
12 duties, or a transit passenger.

13 (8) A taxi driver on duty.

14 (9) A merchant who detains the person for an alleged
15 commission of retail theft under Section 16-26 of this Code
16 and the person without legal justification by any means
17 causes bodily harm to the merchant.

18 (10) A person authorized to serve process under Section
19 2-202 of the Code of Civil Procedure or a special process
20 server appointed by the circuit court while that individual
21 is in the performance of his or her duties as a process
22 server.

23 (11) A nurse while in the performance of his or her
24 duties as a nurse.

25 (e) Offense based on use of a firearm. A person commits
26 aggravated battery when, in committing a battery, he or she

1 knowingly does any of the following:

2 (1) Discharges a firearm, other than a machine gun or a
3 firearm equipped with a silencer, and causes any injury to
4 another person.

5 (2) Discharges a firearm, other than a machine gun or a
6 firearm equipped with a silencer, and causes any injury to
7 a person he or she knows to be a peace officer, community
8 policing volunteer, person summoned by a police officer,
9 fireman, private security officer, correctional
10 institution employee, or emergency management worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (3) Discharges a firearm, other than a machine gun or a
17 firearm equipped with a silencer, and causes any injury to
18 a person he or she knows to be an emergency medical
19 technician employed by a municipality or other
20 governmental unit:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (4) Discharges a firearm and causes any injury to a

1 person he or she knows to be a teacher, a student in a
2 school, or a school employee, and the teacher, student, or
3 employee is upon school grounds or grounds adjacent to a
4 school or in any part of a building used for school
5 purposes.

6 (5) Discharges a machine gun or a firearm equipped with
7 a silencer, and causes any injury to another person.

8 (6) Discharges a machine gun or a firearm equipped with
9 a silencer, and causes any injury to a person he or she
10 knows to be a peace officer, community policing volunteer,
11 person summoned by a police officer, fireman, private
12 security officer, correctional institution employee or
13 emergency management worker:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (7) Discharges a machine gun or a firearm equipped with
20 a silencer, and causes any injury to a person he or she
21 knows to be an emergency medical technician employed by a
22 municipality or other governmental unit:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

2 (8) Discharges a machine gun or a firearm equipped with
3 a silencer, and causes any injury to a person he or she
4 knows to be a teacher, or a student in a school, or a
5 school employee, and the teacher, student, or employee is
6 upon school grounds or grounds adjacent to a school or in
7 any part of a building used for school purposes.

8 (f) Offense based on use of a weapon or device. A person
9 commits aggravated battery when, in committing a battery, he or
10 she does any of the following:

11 (1) Uses a deadly weapon other than by discharge of a
12 firearm, or uses an air rifle as defined in Section
13 24.8-0.1 of this Code.

14 (2) Wears a hood, robe, or mask to conceal his or her
15 identity.

16 (3) Knowingly and without lawful justification shines
17 or flashes a laser gunsight or other laser device attached
18 to a firearm, or used in concert with a firearm, so that
19 the laser beam strikes upon or against the person of
20 another.

21 (4) Knowingly video or audio records the offense with
22 the intent to disseminate the recording.

23 (g) Offense based on certain conduct. A person commits
24 aggravated battery when, other than by discharge of a firearm,
25 he or she does any of the following:

26 (1) Violates Section 401 of the Illinois Controlled

1 Substances Act by unlawfully delivering a controlled
2 substance to another and any user experiences great bodily
3 harm or permanent disability as a result of the injection,
4 inhalation, or ingestion of any amount of the controlled
5 substance.

6 (2) Knowingly administers to an individual or causes
7 him or her to take, without his or her consent or by threat
8 or deception, and for other than medical purposes, any
9 intoxicating, poisonous, stupefying, narcotic, anesthetic,
10 or controlled substance, or gives to another person any
11 food containing any substance or object intended to cause
12 physical injury if eaten.

13 (3) Knowingly causes or attempts to cause a
14 correctional institution employee or Department of Human
15 Services employee to come into contact with blood, seminal
16 fluid, urine, or feces by throwing, tossing, or expelling
17 the fluid or material, and the person is an inmate of a
18 penal institution or is a sexually dangerous person or
19 sexually violent person in the custody of the Department of
20 Human Services.

21 (h) Sentence. Unless otherwise provided, aggravated
22 battery is a Class 3 felony.

23 Aggravated battery as defined in subdivision (a)(4),
24 (d)(4), or (g)(3) is a Class 2 felony.

25 Aggravated battery as defined in subdivision (a)(3) or
26 (g)(1) is a Class 1 felony.

1 Aggravated battery as defined in subdivision (a)(1) is a
2 Class 1 felony when the aggravated battery was intentional and
3 involved the infliction of torture, as defined in paragraph
4 (14) of subsection (b) of Section 9-1 of this Code, as the
5 infliction of or subjection to extreme physical pain, motivated
6 by an intent to increase or prolong the pain, suffering, or
7 agony of the victim.

8 Aggravated battery under subdivision (a)(5) is a Class 1
9 felony if:

10 (A) the person used or attempted to use a dangerous
11 instrument while committing the offense; or

12 (B) the person caused great bodily harm or permanent
13 disability or disfigurement to the other person while
14 committing the offense; or

15 (C) the person has been previously convicted of a
16 violation of subdivision (a)(5) under the laws of this
17 State or laws similar to subdivision (a)(5) of any other
18 state.

19 Aggravated battery as defined in subdivision (e)(1) is a
20 Class X felony.

21 Aggravated battery as defined in subdivision (a)(2) is a
22 Class X felony for which a person shall be sentenced to a term
23 of imprisonment of a minimum of 6 years and a maximum of 45
24 years.

25 Aggravated battery as defined in subdivision (e)(5) is a
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 12 years and a maximum of 45
2 years.

3 Aggravated battery as defined in subdivision (e)(2),
4 (e)(3), or (e)(4) is a Class X felony for which a person shall
5 be sentenced to a term of imprisonment of a minimum of 15 years
6 and a maximum of 60 years.

7 Aggravated battery as defined in subdivision (e)(6),
8 (e)(7), or (e)(8) is a Class X felony for which a person shall
9 be sentenced to a term of imprisonment of a minimum of 20 years
10 and a maximum of 60 years.

11 Aggravated battery as defined in subdivision (b)(1) is a
12 Class X felony, except that:

13 (1) if the person committed the offense while armed
14 with a firearm, 15 years shall be added to the term of
15 imprisonment imposed by the court;

16 (2) if, during the commission of the offense, the
17 person personally discharged a firearm, 20 years shall be
18 added to the term of imprisonment imposed by the court;

19 (3) if, during the commission of the offense, the
20 person personally discharged a firearm that proximately
21 caused great bodily harm, permanent disability, permanent
22 disfigurement, or death to another person, 25 years or up
23 to a term of natural life shall be added to the term of
24 imprisonment imposed by the court.

25 (i) Definitions. For the purposes of this Section:

26 "Building or other structure used to provide shelter" has

1 the meaning ascribed to "shelter" in Section 1 of the Domestic
2 Violence Shelters Act.

3 "Domestic violence" has the meaning ascribed to it in
4 Section 103 of the Illinois Domestic Violence Act of 1986.

5 "Domestic violence shelter" means any building or other
6 structure used to provide shelter or other services to victims
7 or to the dependent children of victims of domestic violence
8 pursuant to the Illinois Domestic Violence Act of 1986 or the
9 Domestic Violence Shelters Act, or any place within 500 feet of
10 such a building or other structure in the case of a person who
11 is going to or from such a building or other structure.

12 "Firearm" has the meaning provided under Section 1.1 of the
13 Firearm Owners Identification Card and Certificate of Firearm
14 Registration Act, and does not include an air rifle as defined
15 by Section 24.8-0.1 of this Code.

16 "Machine gun" has the meaning ascribed to it in Section
17 24-1 of this Code.

18 "Merchant" has the meaning ascribed to it in Section 16-0.1
19 of this Code.

20 "Strangle" means intentionally impeding the normal
21 breathing or circulation of the blood of an individual by
22 applying pressure on the throat or neck of that individual or
23 by blocking the nose or mouth of that individual.

24 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,
25 eff. 7-16-14; 99-143, eff. 7-27-15.)

1 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

2 Sec. 17-30. Defaced, altered, or removed manufacturer or
3 owner identification number.

4 (a) Unlawful sale of household appliances. A person commits
5 unlawful sale of household appliances when he or she knowingly,
6 with the intent to defraud or deceive another, keeps for sale,
7 within any commercial context, any household appliance with a
8 missing, defaced, obliterated, or otherwise altered
9 manufacturer's identification number.

10 (b) Construction equipment identification defacement. A
11 person commits construction equipment identification
12 defacement when he or she knowingly changes, alters, removes,
13 mutilates, or obliterates a permanently affixed serial number,
14 product identification number, part number, component
15 identification number, owner-applied identification, or other
16 mark of identification attached to or stamped, inscribed,
17 molded, or etched into a machine or other equipment, whether
18 stationary or mobile or self-propelled, or a part of such
19 machine or equipment, used in the construction, maintenance, or
20 demolition of buildings, structures, bridges, tunnels, sewers,
21 utility pipes or lines, ditches or open cuts, roads, highways,
22 dams, airports, or waterways or in material handling for such
23 projects.

24 The trier of fact may infer that the defendant has
25 knowingly changed, altered, removed, or obliterated the serial
26 number, product identification number, part number, component

1 identification number, owner-applied identification number, or
2 other mark of identification, if the defendant was in
3 possession of any machine or other equipment or a part of such
4 machine or equipment used in the construction, maintenance, or
5 demolition of buildings, structures, bridges, tunnels, sewers,
6 utility pipes or lines, ditches or open cuts, roads, highways,
7 dams, airports, or waterways or in material handling for such
8 projects upon which any such serial number, product
9 identification number, part number, component identification
10 number, owner-applied identification number, or other mark of
11 identification has been changed, altered, removed, or
12 obliterated.

13 (c) Defacement of manufacturer's serial number or
14 identification mark. A person commits defacement of a
15 manufacturer's serial number or identification mark when he or
16 she knowingly removes, alters, defaces, covers, or destroys the
17 manufacturer's serial number or any other manufacturer's
18 number or distinguishing identification mark upon any machine
19 or other article of merchandise, other than a motor vehicle as
20 defined in Section 1-146 of the Illinois Vehicle Code or a
21 firearm as defined in the Firearm Owners Identification Card
22 and Certificate of Firearm Registration Act, with the intent of
23 concealing or destroying the identity of such machine or other
24 article of merchandise.

25 (d) Sentence.

26 (1) A violation of subsection (a) of this Section is a

1 Class 4 felony if the value of the appliance or appliances
2 exceeds \$1,000 and a Class B misdemeanor if the value of
3 the appliance or appliances is \$1,000 or less.

4 (2) A violation of subsection (b) of this Section is a
5 Class A misdemeanor.

6 (3) A violation of subsection (c) of this Section is a
7 Class B misdemeanor.

8 (e) No liability shall be imposed upon any person for the
9 unintentional failure to comply with subsection (a).

10 (f) Definitions. In this Section:

11 "Commercial context" means a continuing business
12 enterprise conducted for profit by any person whose primary
13 business is the wholesale or retail marketing of household
14 appliances, or a significant portion of whose business or
15 inventory consists of household appliances kept or sold on a
16 wholesale or retail basis.

17 "Household appliance" means any gas or electric device or
18 machine marketed for use as home entertainment or for
19 facilitating or expediting household tasks or chores. The term
20 shall include but not necessarily be limited to refrigerators,
21 freezers, ranges, radios, television sets, vacuum cleaners,
22 toasters, dishwashers, and other similar household items.

23 "Manufacturer's identification number" means any serial
24 number or other similar numerical or alphabetical designation
25 imprinted upon or attached to or placed, stamped, or otherwise
26 imprinted upon or attached to a household appliance or item by

1 the manufacturer for purposes of identifying a particular
2 appliance or item individually or by lot number.

3 (Source: P.A. 96-1551, eff. 7-1-11.)

4 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

5 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
6 Felons or Persons in the Custody of the Department of
7 Corrections Facilities.

8 (a) It is unlawful for a person to knowingly possess on or
9 about his person or on his land or in his own abode or fixed
10 place of business any weapon prohibited under Section 24-1 of
11 this Act or any firearm or any firearm ammunition if the person
12 has been convicted of a felony under the laws of this State or
13 any other jurisdiction. This Section shall not apply if the
14 person has been granted relief by the Director of the
15 Department of State Police under Section 10 of the Firearm
16 Owners Identification Card and Certificate of Firearm
17 Registration Act.

18 (b) It is unlawful for any person confined in a penal
19 institution, which is a facility of the Illinois Department of
20 Corrections, to possess any weapon prohibited under Section
21 24-1 of this Code or any firearm or firearm ammunition,
22 regardless of the intent with which he possesses it.

23 (c) It shall be an affirmative defense to a violation of
24 subsection (b), that such possession was specifically
25 authorized by rule, regulation, or directive of the Illinois

1 Department of Corrections or order issued pursuant thereto.

2 (d) The defense of necessity is not available to a person
3 who is charged with a violation of subsection (b) of this
4 Section.

5 (e) Sentence. Violation of this Section by a person not
6 confined in a penal institution shall be a Class 3 felony for
7 which the person shall be sentenced to no less than 2 years and
8 no more than 10 years and any second or subsequent violation
9 shall be a Class 2 felony for which the person shall be
10 sentenced to a term of imprisonment of not less than 3 years
11 and not more than 14 years. Violation of this Section by a
12 person not confined in a penal institution who has been
13 convicted of a forcible felony, a felony violation of Article
14 24 of this Code or of the Firearm Owners Identification Card
15 and Certificate of Firearm Registration Act, stalking or
16 aggravated stalking, or a Class 2 or greater felony under the
17 Illinois Controlled Substances Act, the Cannabis Control Act,
18 or the Methamphetamine Control and Community Protection Act is
19 a Class 2 felony for which the person shall be sentenced to not
20 less than 3 years and not more than 14 years. Violation of this
21 Section by a person who is on parole or mandatory supervised
22 release is a Class 2 felony for which the person shall be
23 sentenced to not less than 3 years and not more than 14 years.
24 Violation of this Section by a person not confined in a penal
25 institution is a Class X felony when the firearm possessed is a
26 machine gun. Any person who violates this Section while

1 confined in a penal institution, which is a facility of the
2 Illinois Department of Corrections, is guilty of a Class 1
3 felony, if he possesses any weapon prohibited under Section
4 24-1 of this Code regardless of the intent with which he
5 possesses it, a Class X felony if he possesses any firearm,
6 firearm ammunition or explosive, and a Class X felony for which
7 the offender shall be sentenced to not less than 12 years and
8 not more than 50 years when the firearm possessed is a machine
9 gun. A violation of this Section while wearing or in possession
10 of body armor as defined in Section 33F-1 is a Class X felony
11 punishable by a term of imprisonment of not less than 10 years
12 and not more than 40 years. The possession of each firearm or
13 firearm ammunition in violation of this Section constitutes a
14 single and separate violation.

15 (Source: P.A. 97-237, eff. 1-1-12.)

16 (720 ILCS 5/24-1.6)

17 Sec. 24-1.6. Aggravated unlawful use of a weapon.

18 (a) A person commits the offense of aggravated unlawful use
19 of a weapon when he or she knowingly:

20 (1) Carries on or about his or her person or in any
21 vehicle or concealed on or about his or her person except
22 when on his or her land or in his or her abode, legal
23 dwelling, or fixed place of business, or on the land or in
24 the legal dwelling of another person as an invitee with
25 that person's permission, any pistol, revolver, stun gun or

1 taser or other firearm; or

2 (2) Carries or possesses on or about his or her person,
3 upon any public street, alley, or other public lands within
4 the corporate limits of a city, village or incorporated
5 town, except when an invitee thereon or therein, for the
6 purpose of the display of such weapon or the lawful
7 commerce in weapons, or except when on his or her own land
8 or in his or her own abode, legal dwelling, or fixed place
9 of business, or on the land or in the legal dwelling of
10 another person as an invitee with that person's permission,
11 any pistol, revolver, stun gun or taser or other firearm;
12 and

13 (3) One of the following factors is present:

14 (A) the firearm, other than a pistol, revolver, or
15 handgun, possessed was uncased, loaded, and
16 immediately accessible at the time of the offense; or

17 (A-5) the pistol, revolver, or handgun possessed
18 was uncased, loaded, and immediately accessible at the
19 time of the offense and the person possessing the
20 pistol, revolver, or handgun has not been issued a
21 currently valid license under the Firearm Concealed
22 Carry Act; or

23 (B) the firearm, other than a pistol, revolver, or
24 handgun, possessed was uncased, unloaded, and the
25 ammunition for the weapon was immediately accessible
26 at the time of the offense; or

1 (B-5) the pistol, revolver, or handgun possessed
2 was uncased, unloaded, and the ammunition for the
3 weapon was immediately accessible at the time of the
4 offense and the person possessing the pistol,
5 revolver, or handgun has not been issued a currently
6 valid license under the Firearm Concealed Carry Act; or

7 (C) the person possessing the firearm has not been
8 issued a currently valid Firearm Owner's
9 Identification Card; or

10 (D) the person possessing the weapon was
11 previously adjudicated a delinquent minor under the
12 Juvenile Court Act of 1987 for an act that if committed
13 by an adult would be a felony; or

14 (E) the person possessing the weapon was engaged in
15 a misdemeanor violation of the Cannabis Control Act, in
16 a misdemeanor violation of the Illinois Controlled
17 Substances Act, or in a misdemeanor violation of the
18 Methamphetamine Control and Community Protection Act;
19 or

20 (F) (blank); or

21 (G) the person possessing the weapon had a order of
22 protection issued against him or her within the
23 previous 2 years; or

24 (H) the person possessing the weapon was engaged in
25 the commission or attempted commission of a
26 misdemeanor involving the use or threat of violence

1 against the person or property of another; or

2 (I) the person possessing the weapon was under 21
3 years of age and in possession of a handgun, unless the
4 person under 21 is engaged in lawful activities under
5 the Wildlife Code or described in subsection
6 24-2(b) (1), (b) (3), or 24-2(f).

7 (a-5) "Handgun" as used in this Section has the meaning
8 given to it in Section 5 of the Firearm Concealed Carry Act.

9 (b) "Stun gun or taser" as used in this Section has the
10 same definition given to it in Section 24-1 of this Code.

11 (c) This Section does not apply to or affect the
12 transportation or possession of weapons that:

13 (i) are broken down in a non-functioning state; or

14 (ii) are not immediately accessible; or

15 (iii) are unloaded and enclosed in a case, firearm
16 carrying box, shipping box, or other container by a person
17 who has been issued a currently valid Firearm Owner's
18 Identification Card.

19 (d) Sentence.

20 (1) Aggravated unlawful use of a weapon is a Class 4
21 felony; a second or subsequent offense is a Class 2 felony
22 for which the person shall be sentenced to a term of
23 imprisonment of not less than 3 years and not more than 7
24 years.

25 (2) Except as otherwise provided in paragraphs (3) and
26 (4) of this subsection (d), a first offense of aggravated

1 unlawful use of a weapon committed with a firearm by a
2 person 18 years of age or older where the factors listed in
3 both items (A) and (C) or both items (A-5) and (C) of
4 paragraph (3) of subsection (a) are present is a Class 4
5 felony, for which the person shall be sentenced to a term
6 of imprisonment of not less than one year and not more than
7 3 years.

8 (3) Aggravated unlawful use of a weapon by a person who
9 has been previously convicted of a felony in this State or
10 another jurisdiction is a Class 2 felony for which the
11 person shall be sentenced to a term of imprisonment of not
12 less than 3 years and not more than 7 years.

13 (4) Aggravated unlawful use of a weapon while wearing
14 or in possession of body armor as defined in Section 33F-1
15 by a person who has not been issued a valid Firearms
16 Owner's Identification Card in accordance with Section 5 of
17 the Firearm Owners Identification Card and Certificate of
18 Firearm Registration Act is a Class X felony.

19 (e) The possession of each firearm in violation of this
20 Section constitutes a single and separate violation.

21 (Source: P.A. 98-63, eff. 7-9-13.)

22 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

23 Sec. 24-3. Unlawful sale or delivery of firearms.

24 (A) A person commits the offense of unlawful sale or
25 delivery of firearms when he or she knowingly does any of the

1 following:

2 (a) Sells or gives any firearm of a size which may be
3 concealed upon the person to any person under 18 years of
4 age.

5 (b) Sells or gives any firearm to a person under 21
6 years of age who has been convicted of a misdemeanor other
7 than a traffic offense or adjudged delinquent.

8 (c) Sells or gives any firearm to any narcotic addict.

9 (d) Sells or gives any firearm to any person who has
10 been convicted of a felony under the laws of this or any
11 other jurisdiction.

12 (e) Sells or gives any firearm to any person who has
13 been a patient in a mental institution within the past 5
14 years. In this subsection (e):

15 "Mental institution" means any hospital,
16 institution, clinic, evaluation facility, mental
17 health center, or part thereof, which is used primarily
18 for the care or treatment of persons with mental
19 illness.

20 "Patient in a mental institution" means the person
21 was admitted, either voluntarily or involuntarily, to
22 a mental institution for mental health treatment,
23 unless the treatment was voluntary and solely for an
24 alcohol abuse disorder and no other secondary
25 substance abuse disorder or mental illness.

26 (f) Sells or gives any firearms to any person who is a

1 person with an intellectual disability.

2 (g) Delivers any firearm of a size which may be
3 concealed upon the person, incidental to a sale, without
4 withholding delivery of such firearm for at least 72 hours
5 after application for its purchase has been made, or
6 delivers any rifle, shotgun or other long gun, or a stun
7 gun or taser, incidental to a sale, without withholding
8 delivery of such rifle, shotgun or other long gun, or a
9 stun gun or taser for at least 24 hours after application
10 for its purchase has been made. However, this paragraph (g)
11 does not apply to: (1) the sale of a firearm to a law
12 enforcement officer if the seller of the firearm knows that
13 the person to whom he or she is selling the firearm is a
14 law enforcement officer or the sale of a firearm to a
15 person who desires to purchase a firearm for use in
16 promoting the public interest incident to his or her
17 employment as a bank guard, armed truck guard, or other
18 similar employment; (2) a mail order sale of a firearm from
19 a federally licensed firearms dealer to a nonresident of
20 Illinois under which the firearm is mailed to a federally
21 licensed firearms dealer outside the boundaries of
22 Illinois; (3) the sale of a firearm to a nonresident of
23 Illinois while at a firearm showing or display recognized
24 by the Illinois Department of State Police; (4) the sale of
25 a firearm to a dealer licensed as a federal firearms dealer
26 under Section 923 of the federal Gun Control Act of 1968

1 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
2 shotgun, or other long gun to a resident registered
3 competitor or attendee or non-resident registered
4 competitor or attendee by any dealer licensed as a federal
5 firearms dealer under Section 923 of the federal Gun
6 Control Act of 1968 at competitive shooting events held at
7 the World Shooting Complex sanctioned by a national
8 governing body. For purposes of transfers or sales under
9 subparagraph (5) of this paragraph (g), the Department of
10 Natural Resources shall give notice to the Department of
11 State Police at least 30 calendar days prior to any
12 competitive shooting events at the World Shooting Complex
13 sanctioned by a national governing body. The notification
14 shall be made on a form prescribed by the Department of
15 State Police. The sanctioning body shall provide a list of
16 all registered competitors and attendees at least 24 hours
17 before the events to the Department of State Police. Any
18 changes to the list of registered competitors and attendees
19 shall be forwarded to the Department of State Police as
20 soon as practicable. The Department of State Police must
21 destroy the list of registered competitors and attendees no
22 later than 30 days after the date of the event. Nothing in
23 this paragraph (g) relieves a federally licensed firearm
24 dealer from the requirements of conducting a NICS
25 background check through the Illinois Point of Contact
26 under 18 U.S.C. 922(t). For purposes of this paragraph (g),

1 "application" means when the buyer and seller reach an
2 agreement to purchase a firearm. For purposes of this
3 paragraph (g), "national governing body" means a group of
4 persons who adopt rules and formulate policy on behalf of a
5 national firearm sporting organization.

6 (h) While holding any license as a dealer, importer,
7 manufacturer or pawnbroker under the federal Gun Control
8 Act of 1968, manufactures, sells or delivers to any
9 unlicensed person a handgun having a barrel, slide, frame
10 or receiver which is a die casting of zinc alloy or any
11 other nonhomogeneous metal which will melt or deform at a
12 temperature of less than 800 degrees Fahrenheit. For
13 purposes of this paragraph, (1) "firearm" is defined as in
14 the Firearm Owners Identification Card and Certificate of
15 Firearm Registration Act; and (2) "handgun" is defined as a
16 firearm designed to be held and fired by the use of a
17 single hand, and includes a combination of parts from which
18 such a firearm can be assembled.

19 (i) Sells or gives a firearm of any size to any person
20 under 18 years of age who does not possess a valid Firearm
21 Owner's Identification Card.

22 (j) Sells or gives a firearm while engaged in the
23 business of selling firearms at wholesale or retail without
24 being licensed as a federal firearms dealer under Section
25 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
26 In this paragraph (j):

1 A person "engaged in the business" means a person who
2 devotes time, attention, and labor to engaging in the
3 activity as a regular course of trade or business with the
4 principal objective of livelihood and profit, but does not
5 include a person who makes occasional repairs of firearms
6 or who occasionally fits special barrels, stocks, or
7 trigger mechanisms to firearms.

8 "With the principal objective of livelihood and
9 profit" means that the intent underlying the sale or
10 disposition of firearms is predominantly one of obtaining
11 livelihood and pecuniary gain, as opposed to other intents,
12 such as improving or liquidating a personal firearms
13 collection; however, proof of profit shall not be required
14 as to a person who engages in the regular and repetitive
15 purchase and disposition of firearms for criminal purposes
16 or terrorism.

17 (k) Sells or transfers ownership of a firearm to a
18 person who does not display to the seller or transferor of
19 the firearm either: (1) a currently valid Firearm Owner's
20 Identification Card that has previously been issued in the
21 transferee's name by the Department of State Police under
22 the provisions of the Firearm Owners Identification Card
23 and Certificate of Firearm Registration Act; or (2) a
24 currently valid license to carry a concealed firearm that
25 has previously been issued in the transferee's name by the
26 Department of State Police under the Firearm Concealed

1 Carry Act. This paragraph (k) does not apply to the
2 transfer of a firearm to a person who is exempt from the
3 requirement of possessing a Firearm Owner's Identification
4 Card under Section 2 of the Firearm Owners Identification
5 Card and Certificate of Firearm Registration Act. For the
6 purposes of this Section, a currently valid Firearm Owner's
7 Identification Card means (i) a Firearm Owner's
8 Identification Card that has not expired or (ii) an
9 approval number issued in accordance with subsection
10 (a-10) of subsection 3 or Section 3.1 of the Firearm Owners
11 Identification Card and Certificate of Firearm
12 Registration Act shall be proof that the Firearm Owner's
13 Identification Card was valid.

14 (1) In addition to the other requirements of this
15 paragraph (k), all persons who are not federally
16 licensed firearms dealers must also have complied with
17 subsection (a-10) of Section 3 of the Firearm Owners
18 Identification Card Act by determining the validity of
19 a purchaser's Firearm Owner's Identification Card.

20 (2) All sellers or transferors who have complied
21 with the requirements of subparagraph (1) of this
22 paragraph (k) shall not be liable for damages in any
23 civil action arising from the use or misuse by the
24 transferee of the firearm transferred, except for
25 willful or wanton misconduct on the part of the seller
26 or transferor.

1 (1) Not being entitled to the possession of a firearm,
2 delivers the firearm, knowing it to have been stolen or
3 converted. It may be inferred that a person who possesses a
4 firearm with knowledge that its serial number has been
5 removed or altered has knowledge that the firearm is stolen
6 or converted.

7 (B) Paragraph (h) of subsection (A) does not include
8 firearms sold within 6 months after enactment of Public Act
9 78-355 (approved August 21, 1973, effective October 1, 1973),
10 nor is any firearm legally owned or possessed by any citizen or
11 purchased by any citizen within 6 months after the enactment of
12 Public Act 78-355 subject to confiscation or seizure under the
13 provisions of that Public Act. Nothing in Public Act 78-355
14 shall be construed to prohibit the gift or trade of any firearm
15 if that firearm was legally held or acquired within 6 months
16 after the enactment of that Public Act.

17 (C) Sentence.

18 (1) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (c), (e), (f), (g),
20 or (h) of subsection (A) commits a Class 4 felony.

21 (2) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (b) or (i) of
23 subsection (A) commits a Class 3 felony.

24 (3) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (a) of subsection (A)
26 commits a Class 2 felony.

1 (4) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (a), (b), or (i) of
3 subsection (A) in any school, on the real property
4 comprising a school, within 1,000 feet of the real property
5 comprising a school, at a school related activity, or on or
6 within 1,000 feet of any conveyance owned, leased, or
7 contracted by a school or school district to transport
8 students to or from school or a school related activity,
9 regardless of the time of day or time of year at which the
10 offense was committed, commits a Class 1 felony. Any person
11 convicted of a second or subsequent violation of unlawful
12 sale or delivery of firearms in violation of paragraph (a),
13 (b), or (i) of subsection (A) in any school, on the real
14 property comprising a school, within 1,000 feet of the real
15 property comprising a school, at a school related activity,
16 or on or within 1,000 feet of any conveyance owned, leased,
17 or contracted by a school or school district to transport
18 students to or from school or a school related activity,
19 regardless of the time of day or time of year at which the
20 offense was committed, commits a Class 1 felony for which
21 the sentence shall be a term of imprisonment of no less
22 than 5 years and no more than 15 years.

23 (5) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (a) or (i) of
25 subsection (A) in residential property owned, operated, or
26 managed by a public housing agency or leased by a public

1 housing agency as part of a scattered site or mixed-income
2 development, in a public park, in a courthouse, on
3 residential property owned, operated, or managed by a
4 public housing agency or leased by a public housing agency
5 as part of a scattered site or mixed-income development, on
6 the real property comprising any public park, on the real
7 property comprising any courthouse, or on any public way
8 within 1,000 feet of the real property comprising any
9 public park, courthouse, or residential property owned,
10 operated, or managed by a public housing agency or leased
11 by a public housing agency as part of a scattered site or
12 mixed-income development commits a Class 2 felony.

13 (6) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (j) of subsection (A)
15 commits a Class A misdemeanor. A second or subsequent
16 violation is a Class 4 felony.

17 (7) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (k) of subsection (A)
19 commits a Class 4 felony, except that a violation of
20 subparagraph (1) of paragraph (k) of subsection (A) shall
21 not be punishable as a crime or petty offense. A third or
22 subsequent conviction for a violation of paragraph (k) of
23 subsection (A) is a Class 1 felony.

24 (8) A person 18 years of age or older convicted of
25 unlawful sale or delivery of firearms in violation of
26 paragraph (a) or (i) of subsection (A), when the firearm

1 that was sold or given to another person under 18 years of
2 age was used in the commission of or attempt to commit a
3 forcible felony, shall be fined or imprisoned, or both, not
4 to exceed the maximum provided for the most serious
5 forcible felony so committed or attempted by the person
6 under 18 years of age who was sold or given the firearm.

7 (9) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (d) of subsection (A)
9 commits a Class 3 felony.

10 (10) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (l) of subsection (A)
12 commits a Class 2 felony if the delivery is of one firearm.
13 Any person convicted of unlawful sale or delivery of
14 firearms in violation of paragraph (l) of subsection (A)
15 commits a Class 1 felony if the delivery is of not less
16 than 2 and not more than 5 firearms at the same time or
17 within a one year period. Any person convicted of unlawful
18 sale or delivery of firearms in violation of paragraph (l)
19 of subsection (A) commits a Class X felony for which he or
20 she shall be sentenced to a term of imprisonment of not
21 less than 6 years and not more than 30 years if the
22 delivery is of not less than 6 and not more than 10
23 firearms at the same time or within a 2 year period. Any
24 person convicted of unlawful sale or delivery of firearms
25 in violation of paragraph (l) of subsection (A) commits a
26 Class X felony for which he or she shall be sentenced to a

1 term of imprisonment of not less than 6 years and not more
2 than 40 years if the delivery is of not less than 11 and
3 not more than 20 firearms at the same time or within a 3
4 year period. Any person convicted of unlawful sale or
5 delivery of firearms in violation of paragraph (l) of
6 subsection (A) commits a Class X felony for which he or she
7 shall be sentenced to a term of imprisonment of not less
8 than 6 years and not more than 50 years if the delivery is
9 of not less than 21 and not more than 30 firearms at the
10 same time or within a 4 year period. Any person convicted
11 of unlawful sale or delivery of firearms in violation of
12 paragraph (l) of subsection (A) commits a Class X felony
13 for which he or she shall be sentenced to a term of
14 imprisonment of not less than 6 years and not more than 60
15 years if the delivery is of 31 or more firearms at the same
16 time or within a 5 year period.

17 (D) For purposes of this Section:

18 "School" means a public or private elementary or secondary
19 school, community college, college, or university.

20 "School related activity" means any sporting, social,
21 academic, or other activity for which students' attendance or
22 participation is sponsored, organized, or funded in whole or in
23 part by a school or school district.

24 (E) A prosecution for a violation of paragraph (k) of
25 subsection (A) of this Section may be commenced within 6 years
26 after the commission of the offense. A prosecution for a

1 violation of this Section other than paragraph (g) of
2 subsection (A) of this Section may be commenced within 5 years
3 after the commission of the offense defined in the particular
4 paragraph.

5 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;
6 99-143, eff. 7-27-15; revised 10-16-15.)

7 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

8 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

9 (a) A person commits the offense of unlawful discharge of
10 firearm projectiles when he or she knowingly or recklessly uses
11 an armor piercing bullet, dragon's breath shotgun shell, bolo
12 shell, or flechette shell in violation of this Section.

13 For purposes of this Section:

14 "Armor piercing bullet" means any handgun bullet or handgun
15 ammunition with projectiles or projectile cores constructed
16 entirely (excluding the presence of traces of other substances)
17 from tungsten alloys, steel, iron, brass, bronze, beryllium
18 copper or depleted uranium, or fully jacketed bullets larger
19 than 22 caliber whose jacket has a weight of more than 25% of
20 the total weight of the projectile, and excluding those handgun
21 projectiles whose cores are composed of soft materials such as
22 lead or lead alloys, zinc or zinc alloys, frangible projectiles
23 designed primarily for sporting purposes, and any other
24 projectiles or projectile cores that the U. S. Secretary of the
25 Treasury finds to be primarily intended to be used for sporting

1 purposes or industrial purposes or that otherwise does not
2 constitute "armor piercing ammunition" as that term is defined
3 by federal law.

4 "Dragon's breath shotgun shell" means any shotgun shell
5 that contains exothermic pyrophoric mesh metal as the
6 projectile and is designed for the purpose of throwing or
7 spewing a flame or fireball to simulate a flame-thrower.

8 "Bolo shell" means any shell that can be fired in a firearm
9 and expels as projectiles 2 or more metal balls connected by
10 solid metal wire.

11 "Flechette shell" means any shell that can be fired in a
12 firearm and expels 2 or more pieces of fin-stabilized solid
13 metal wire or 2 or more solid dart-type projectiles.

14 (b) A person commits a Class X felony when he or she,
15 knowing that a firearm, as defined in Section 1.1 of the
16 Firearm Owners Identification Card and Certificate of Firearm
17 Registration Act, is loaded with an armor piercing bullet,
18 dragon's breath shotgun shell, bolo shell, or flechette shell,
19 intentionally or recklessly discharges such firearm and such
20 bullet or shell strikes any other person.

21 (c) Any person who possesses, concealed on or about his or
22 her person, an armor piercing bullet, dragon's breath shotgun
23 shell, bolo shell, or flechette shell and a firearm suitable
24 for the discharge thereof is guilty of a Class 2 felony.

25 (d) This Section does not apply to or affect any of the
26 following:

1 (1) Peace officers;

2 (2) Wardens, superintendents and keepers of prisons,
3 penitentiaries, jails and other institutions for the
4 detention of persons accused or convicted of an offense;

5 (3) Members of the Armed Services or Reserve Forces of
6 the United States or the Illinois National Guard while in
7 the performance of their official duties;

8 (4) Federal officials required to carry firearms,
9 while engaged in the performance of their official duties;

10 (5) United States Marshals, while engaged in the
11 performance of their official duties.

12 (Source: P.A. 92-423, eff. 1-1-02.)

13 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

14 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

15 (a) It shall be unlawful for any person who holds a license
16 to sell at retail any alcoholic liquor issued by the Illinois
17 Liquor Control Commission or local liquor control commissioner
18 under the Liquor Control Act of 1934 or an agent or employee of
19 the licensee to sell or deliver to any other person a firearm
20 in or on the real property of the establishment where the
21 licensee is licensed to sell alcoholic liquors unless the sale
22 or delivery of the firearm is otherwise lawful under this
23 Article and under the Firearm Owners Identification Card and
24 Certificate of Firearm Registration Act.

25 (b) Sentence. A violation of subsection (a) of this Section

1 is a Class 4 felony.

2 (Source: P.A. 87-591.)

3 (720 ILCS 5/24-3.5)

4 Sec. 24-3.5. Unlawful purchase of a firearm.

5 (a) For purposes of this Section, "firearms transaction
6 record form" means a form:

7 (1) executed by a transferee of a firearm stating: (i)
8 the transferee's name and address (including county or
9 similar political subdivision); (ii) whether the
10 transferee is a citizen of the United States; (iii) the
11 transferee's State of residence; and (iv) the date and
12 place of birth, height, weight, and race of the transferee;
13 and

14 (2) on which the transferee certifies that he or she is
15 not prohibited by federal law from transporting or shipping
16 a firearm in interstate or foreign commerce or receiving a
17 firearm that has been shipped or transported in interstate
18 or foreign commerce or possessing a firearm in or affecting
19 commerce.

20 (b) A person commits the offense of unlawful purchase of a
21 firearm who knowingly purchases or attempts to purchase a
22 firearm with the intent to deliver that firearm to another
23 person who is prohibited by federal or State law from
24 possessing a firearm.

25 (c) A person commits the offense of unlawful purchase of a

1 firearm when he or she, in purchasing or attempting to purchase
2 a firearm, intentionally provides false or misleading
3 information on a United States Department of the Treasury,
4 Bureau of Alcohol, Tobacco and Firearms firearms transaction
5 record form.

6 (d) Exemption. It is not a violation of subsection (b) of
7 this Section for a person to make a gift or loan of a firearm to
8 a person who is not prohibited by federal or State law from
9 possessing a firearm if the transfer of the firearm is made in
10 accordance with Section 3 of the Firearm Owners Identification
11 Card and Certificate of Firearm Registration Act.

12 (e) Sentence.

13 (1) A person who commits the offense of unlawful
14 purchase of a firearm:

15 (A) is guilty of a Class 2 felony for purchasing or
16 attempting to purchase one firearm;

17 (B) is guilty of a Class 1 felony for purchasing or
18 attempting to purchase not less than 2 firearms and not
19 more than 5 firearms at the same time or within a one
20 year period;

21 (C) is guilty of a Class X felony for which the
22 offender shall be sentenced to a term of imprisonment
23 of not less than 9 years and not more than 40 years for
24 purchasing or attempting to purchase not less than 6
25 firearms at the same time or within a 2 year period.

26 (2) In addition to any other penalty that may be

1 imposed for a violation of this Section, the court may
2 sentence a person convicted of a violation of subsection
3 (c) of this Section to a fine not to exceed \$250,000 for
4 each violation.

5 (f) A prosecution for unlawful purchase of a firearm may be
6 commenced within 6 years after the commission of the offense.

7 (Source: P.A. 95-882, eff. 1-1-09.)

8 (720 ILCS 5/24-9)

9 Sec. 24-9. Firearms; Child Protection.

10 (a) Except as provided in subsection (c), it is unlawful
11 for any person to store or leave, within premises under his or
12 her control, a firearm if the person knows or has reason to
13 believe that a minor under the age of 14 years who does not
14 have a Firearm Owners Identification Card is likely to gain
15 access to the firearm without the lawful permission of the
16 minor's parent, guardian, or person having charge of the minor,
17 and the minor causes death or great bodily harm with the
18 firearm, unless the firearm is:

19 (1) secured by a device or mechanism, other than the
20 firearm safety, designed to render a firearm temporarily
21 inoperable; or

22 (2) placed in a securely locked box or container; or

23 (3) placed in some other location that a reasonable
24 person would believe to be secure from a minor under the
25 age of 14 years.

1 (b) Sentence. A person who violates this Section is guilty
2 of a Class C misdemeanor and shall be fined not less than
3 \$1,000. A second or subsequent violation of this Section is a
4 Class A misdemeanor.

5 (c) Subsection (a) does not apply:

6 (1) if the minor under 14 years of age gains access to
7 a firearm and uses it in a lawful act of self-defense or
8 defense of another; or

9 (2) to any firearm obtained by a minor under the age of
10 14 because of an unlawful entry of the premises by the
11 minor or another person.

12 (d) For the purposes of this Section, "firearm" has the
13 meaning ascribed to it in Section 1.1 of the Firearm Owners
14 Identification Card and Certificate of Firearm Registration
15 Act.

16 (Source: P.A. 91-18, eff. 1-1-00.)

17 Section 70. The Methamphetamine Control and Community
18 Protection Act is amended by changing Section 10 as follows:

19 (720 ILCS 646/10)

20 Sec. 10. Definitions. As used in this Act:

21 "Anhydrous ammonia" has the meaning provided in subsection
22 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

23 "Anhydrous ammonia equipment" means all items used to
24 store, hold, contain, handle, transfer, transport, or apply

1 anhydrous ammonia for lawful purposes.

2 "Booby trap" means any device designed to cause physical
3 injury when triggered by an act of a person approaching,
4 entering, or moving through a structure, a vehicle, or any
5 location where methamphetamine has been manufactured, is being
6 manufactured, or is intended to be manufactured.

7 "Deliver" or "delivery" has the meaning provided in
8 subsection (h) of Section 102 of the Illinois Controlled
9 Substances Act.

10 "Director" means the Director of State Police or the
11 Director's designated agents.

12 "Dispose" or "disposal" means to abandon, discharge,
13 release, deposit, inject, dump, spill, leak, or place
14 methamphetamine waste onto or into any land, water, or well of
15 any type so that the waste has the potential to enter the
16 environment, be emitted into the air, or be discharged into the
17 soil or any waters, including groundwater.

18 "Emergency response" means the act of collecting evidence
19 from or securing a methamphetamine laboratory site,
20 methamphetamine waste site or other methamphetamine-related
21 site and cleaning up the site, whether these actions are
22 performed by public entities or private contractors paid by
23 public entities.

24 "Emergency service provider" means a local, State, or
25 federal peace officer, firefighter, emergency medical
26 technician-ambulance, emergency medical

1 technician-intermediate, emergency medical
2 technician-paramedic, ambulance driver, or other medical or
3 first aid personnel rendering aid, or any agent or designee of
4 the foregoing.

5 "Finished methamphetamine" means methamphetamine in a form
6 commonly used for personal consumption.

7 "Firearm" has the meaning provided in Section 1.1 of the
8 Firearm Owners Identification Card and Certificate of Firearm
9 Registration Act.

10 "Manufacture" means to produce, prepare, compound,
11 convert, process, synthesize, concentrate, purify, separate,
12 extract, or package any methamphetamine, methamphetamine
13 precursor, methamphetamine manufacturing catalyst,
14 methamphetamine manufacturing reagent, methamphetamine
15 manufacturing solvent, or any substance containing any of the
16 foregoing.

17 "Methamphetamine" means the chemical methamphetamine (a
18 Schedule II controlled substance under the Illinois Controlled
19 Substances Act) or any salt, optical isomer, salt of optical
20 isomer, or analog thereof, with the exception of
21 3,4-Methylenedioxymethamphetamine (MDMA) or any other
22 scheduled substance with a separate listing under the Illinois
23 Controlled Substances Act.

24 "Methamphetamine manufacturing catalyst" means any
25 substance that has been used, is being used, or is intended to
26 be used to activate, accelerate, extend, or improve a chemical

1 reaction involved in the manufacture of methamphetamine.

2 "Methamphetamine manufacturing environment" means a
3 structure or vehicle in which:

4 (1) methamphetamine is being or has been manufactured;

5 (2) chemicals that are being used, have been used, or
6 are intended to be used to manufacture methamphetamine are
7 stored;

8 (3) methamphetamine manufacturing materials that have
9 been used to manufacture methamphetamine are stored; or

10 (4) methamphetamine manufacturing waste is stored.

11 "Methamphetamine manufacturing material" means any
12 methamphetamine precursor, substance containing any
13 methamphetamine precursor, methamphetamine manufacturing
14 catalyst, substance containing any methamphetamine
15 manufacturing catalyst, methamphetamine manufacturing reagent,
16 substance containing any methamphetamine manufacturing
17 reagent, methamphetamine manufacturing solvent, substance
18 containing any methamphetamine manufacturing solvent, or any
19 other chemical, substance, ingredient, equipment, apparatus,
20 or item that is being used, has been used, or is intended to be
21 used in the manufacture of methamphetamine.

22 "Methamphetamine manufacturing reagent" means any
23 substance other than a methamphetamine manufacturing catalyst
24 that has been used, is being used, or is intended to be used to
25 react with and chemically alter any methamphetamine precursor.

26 "Methamphetamine manufacturing solvent" means any

1 substance that has been used, is being used, or is intended to
2 be used as a medium in which any methamphetamine precursor,
3 methamphetamine manufacturing catalyst, methamphetamine
4 manufacturing reagent, or any substance containing any of the
5 foregoing is dissolved, diluted, or washed during any part of
6 the methamphetamine manufacturing process.

7 "Methamphetamine manufacturing waste" means any chemical,
8 substance, ingredient, equipment, apparatus, or item that is
9 left over from, results from, or is produced by the process of
10 manufacturing methamphetamine, other than finished
11 methamphetamine.

12 "Methamphetamine precursor" means ephedrine,
13 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
14 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
15 isomer, or salt of an optical isomer of any of these chemicals.

16 "Multi-unit dwelling" means a unified structure used or
17 intended for use as a habitation, home, or residence that
18 contains 2 or more condominiums, apartments, hotel rooms, motel
19 rooms, or other living units.

20 "Package" means an item marked for retail sale that is not
21 designed to be further broken down or subdivided for the
22 purpose of retail sale.

23 "Participate" or "participation" in the manufacture of
24 methamphetamine means to produce, prepare, compound, convert,
25 process, synthesize, concentrate, purify, separate, extract,
26 or package any methamphetamine, methamphetamine precursor,

1 methamphetamine manufacturing catalyst, methamphetamine
2 manufacturing reagent, methamphetamine manufacturing solvent,
3 or any substance containing any of the foregoing, or to assist
4 in any of these actions, or to attempt to take any of these
5 actions, regardless of whether this action or these actions
6 result in the production of finished methamphetamine.

7 "Person with a disability" means a person who suffers from
8 a permanent physical or mental impairment resulting from
9 disease, injury, functional disorder, or congenital condition
10 which renders the person incapable of adequately providing for
11 his or her own health and personal care.

12 "Procure" means to purchase, steal, gather, or otherwise
13 obtain, by legal or illegal means, or to cause another to take
14 such action.

15 "Second or subsequent offense" means an offense under this
16 Act committed by an offender who previously committed an
17 offense under this Act, the Illinois Controlled Substances Act,
18 the Cannabis Control Act, or another Act of this State, another
19 state, or the United States relating to methamphetamine,
20 cannabis, or any other controlled substance.

21 "Standard dosage form", as used in relation to any
22 methamphetamine precursor, means that the methamphetamine
23 precursor is contained in a pill, tablet, capsule, caplet, gel
24 cap, or liquid cap that has been manufactured by a lawful
25 entity and contains a standard quantity of methamphetamine
26 precursor.

1 "Unauthorized container", as used in relation to anhydrous
2 ammonia, means any container that is not designed for the
3 specific and sole purpose of holding, storing, transporting, or
4 applying anhydrous ammonia. "Unauthorized container" includes,
5 but is not limited to, any propane tank, fire extinguisher,
6 oxygen cylinder, gasoline can, food or beverage cooler, or
7 compressed gas cylinder used in dispensing fountain drinks.
8 "Unauthorized container" does not encompass anhydrous ammonia
9 manufacturing plants, refrigeration systems where anhydrous
10 ammonia is used solely as a refrigerant, anhydrous ammonia
11 transportation pipelines, anhydrous ammonia tankers, or
12 anhydrous ammonia barges.

13 (Source: P.A. 97-434, eff. 1-1-12.)

14 Section 75. The Code of Criminal Procedure of 1963 is
15 amended by changing Section 112A-14 as follows:

16 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

17 Sec. 112A-14. Order of protection; remedies.

18 (a) Issuance of order. If the court finds that petitioner
19 has been abused by a family or household member, as defined in
20 this Article, an order of protection prohibiting such abuse
21 shall issue; provided that petitioner must also satisfy the
22 requirements of one of the following Sections, as appropriate:
23 Section 112A-17 on emergency orders, Section 112A-18 on interim
24 orders, or Section 112A-19 on plenary orders. Petitioner shall

1 not be denied an order of protection because petitioner or
2 respondent is a minor. The court, when determining whether or
3 not to issue an order of protection, shall not require physical
4 manifestations of abuse on the person of the victim.
5 Modification and extension of prior orders of protection shall
6 be in accordance with this Article.

7 (b) Remedies and standards. The remedies to be included in
8 an order of protection shall be determined in accordance with
9 this Section and one of the following Sections, as appropriate:
10 Section 112A-17 on emergency orders, Section 112A-18 on interim
11 orders, and Section 112A-19 on plenary orders. The remedies
12 listed in this subsection shall be in addition to other civil
13 or criminal remedies available to petitioner.

14 (1) Prohibition of abuse. Prohibit respondent's
15 harassment, interference with personal liberty,
16 intimidation of a dependent, physical abuse or willful
17 deprivation, as defined in this Article, if such abuse has
18 occurred or otherwise appears likely to occur if not
19 prohibited.

20 (2) Grant of exclusive possession of residence.
21 Prohibit respondent from entering or remaining in any
22 residence, household, or premises of the petitioner,
23 including one owned or leased by respondent, if petitioner
24 has a right to occupancy thereof. The grant of exclusive
25 possession of the residence, household, or premises shall
26 not affect title to real property, nor shall the court be

1 limited by the standard set forth in Section 701 of the
2 Illinois Marriage and Dissolution of Marriage Act.

3 (A) Right to occupancy. A party has a right to
4 occupancy of a residence or household if it is solely
5 or jointly owned or leased by that party, that party's
6 spouse, a person with a legal duty to support that
7 party or a minor child in that party's care, or by any
8 person or entity other than the opposing party that
9 authorizes that party's occupancy (e.g., a domestic
10 violence shelter). Standards set forth in subparagraph
11 (B) shall not preclude equitable relief.

12 (B) Presumption of hardships. If petitioner and
13 respondent each has the right to occupancy of a
14 residence or household, the court shall balance (i) the
15 hardships to respondent and any minor child or
16 dependent adult in respondent's care resulting from
17 entry of this remedy with (ii) the hardships to
18 petitioner and any minor child or dependent adult in
19 petitioner's care resulting from continued exposure to
20 the risk of abuse (should petitioner remain at the
21 residence or household) or from loss of possession of
22 the residence or household (should petitioner leave to
23 avoid the risk of abuse). When determining the balance
24 of hardships, the court shall also take into account
25 the accessibility of the residence or household.
26 Hardships need not be balanced if respondent does not

1 have a right to occupancy.

2 The balance of hardships is presumed to favor
3 possession by petitioner unless the presumption is
4 rebutted by a preponderance of the evidence, showing
5 that the hardships to respondent substantially
6 outweigh the hardships to petitioner and any minor
7 child or dependent adult in petitioner's care. The
8 court, on the request of petitioner or on its own
9 motion, may order respondent to provide suitable,
10 accessible, alternate housing for petitioner instead
11 of excluding respondent from a mutual residence or
12 household.

13 (3) Stay away order and additional prohibitions. Order
14 respondent to stay away from petitioner or any other person
15 protected by the order of protection, or prohibit
16 respondent from entering or remaining present at
17 petitioner's school, place of employment, or other
18 specified places at times when petitioner is present, or
19 both, if reasonable, given the balance of hardships.
20 Hardships need not be balanced for the court to enter a
21 stay away order or prohibit entry if respondent has no
22 right to enter the premises.

23 If an order of protection grants petitioner exclusive
24 possession of the residence, or prohibits respondent from
25 entering the residence, or orders respondent to stay away
26 from petitioner or other protected persons, then the court

1 may allow respondent access to the residence to remove
2 items of clothing and personal adornment used exclusively
3 by respondent, medications, and other items as the court
4 directs. The right to access shall be exercised on only one
5 occasion as the court directs and in the presence of an
6 agreed-upon adult third party or law enforcement officer.

7 (4) Counseling. Require or recommend the respondent to
8 undergo counseling for a specified duration with a social
9 worker, psychologist, clinical psychologist, psychiatrist,
10 family service agency, alcohol or substance abuse program,
11 mental health center guidance counselor, agency providing
12 services to elders, program designed for domestic violence
13 abusers or any other guidance service the court deems
14 appropriate. The court may order the respondent in any
15 intimate partner relationship to report to an Illinois
16 Department of Human Services protocol approved partner
17 abuse intervention program for an assessment and to follow
18 all recommended treatment.

19 (5) Physical care and possession of the minor child. In
20 order to protect the minor child from abuse, neglect, or
21 unwarranted separation from the person who has been the
22 minor child's primary caretaker, or to otherwise protect
23 the well-being of the minor child, the court may do either
24 or both of the following: (i) grant petitioner physical
25 care or possession of the minor child, or both, or (ii)
26 order respondent to return a minor child to, or not remove

1 a minor child from, the physical care of a parent or person
2 in loco parentis.

3 If a court finds, after a hearing, that respondent has
4 committed abuse (as defined in Section 112A-3) of a minor
5 child, there shall be a rebuttable presumption that
6 awarding physical care to respondent would not be in the
7 minor child's best interest.

8 (6) Temporary legal custody. Award temporary legal
9 custody to petitioner in accordance with this Section, the
10 Illinois Marriage and Dissolution of Marriage Act, the
11 Illinois Parentage Act of 2015, and this State's Uniform
12 Child-Custody Jurisdiction and Enforcement Act.

13 If a court finds, after a hearing, that respondent has
14 committed abuse (as defined in Section 112A-3) of a minor
15 child, there shall be a rebuttable presumption that
16 awarding temporary legal custody to respondent would not be
17 in the child's best interest.

18 (7) Visitation. Determine the visitation rights, if
19 any, of respondent in any case in which the court awards
20 physical care or temporary legal custody of a minor child
21 to petitioner. The court shall restrict or deny
22 respondent's visitation with a minor child if the court
23 finds that respondent has done or is likely to do any of
24 the following: (i) abuse or endanger the minor child during
25 visitation; (ii) use the visitation as an opportunity to
26 abuse or harass petitioner or petitioner's family or

1 household members; (iii) improperly conceal or detain the
2 minor child; or (iv) otherwise act in a manner that is not
3 in the best interests of the minor child. The court shall
4 not be limited by the standards set forth in Section 607.1
5 of the Illinois Marriage and Dissolution of Marriage Act.
6 If the court grants visitation, the order shall specify
7 dates and times for the visitation to take place or other
8 specific parameters or conditions that are appropriate. No
9 order for visitation shall refer merely to the term
10 "reasonable visitation".

11 Petitioner may deny respondent access to the minor
12 child if, when respondent arrives for visitation,
13 respondent is under the influence of drugs or alcohol and
14 constitutes a threat to the safety and well-being of
15 petitioner or petitioner's minor children or is behaving in
16 a violent or abusive manner.

17 If necessary to protect any member of petitioner's
18 family or household from future abuse, respondent shall be
19 prohibited from coming to petitioner's residence to meet
20 the minor child for visitation, and the parties shall
21 submit to the court their recommendations for reasonable
22 alternative arrangements for visitation. A person may be
23 approved to supervise visitation only after filing an
24 affidavit accepting that responsibility and acknowledging
25 accountability to the court.

26 (8) Removal or concealment of minor child. Prohibit

1 respondent from removing a minor child from the State or
2 concealing the child within the State.

3 (9) Order to appear. Order the respondent to appear in
4 court, alone or with a minor child, to prevent abuse,
5 neglect, removal or concealment of the child, to return the
6 child to the custody or care of the petitioner or to permit
7 any court-ordered interview or examination of the child or
8 the respondent.

9 (10) Possession of personal property. Grant petitioner
10 exclusive possession of personal property and, if
11 respondent has possession or control, direct respondent to
12 promptly make it available to petitioner, if:

13 (i) petitioner, but not respondent, owns the
14 property; or

15 (ii) the parties own the property jointly; sharing
16 it would risk abuse of petitioner by respondent or is
17 impracticable; and the balance of hardships favors
18 temporary possession by petitioner.

19 If petitioner's sole claim to ownership of the property
20 is that it is marital property, the court may award
21 petitioner temporary possession thereof under the
22 standards of subparagraph (ii) of this paragraph only if a
23 proper proceeding has been filed under the Illinois
24 Marriage and Dissolution of Marriage Act, as now or
25 hereafter amended.

26 No order under this provision shall affect title to

1 property.

2 (11) Protection of property. Forbid the respondent
3 from taking, transferring, encumbering, concealing,
4 damaging or otherwise disposing of any real or personal
5 property, except as explicitly authorized by the court, if:

6 (i) petitioner, but not respondent, owns the
7 property; or

8 (ii) the parties own the property jointly, and the
9 balance of hardships favors granting this remedy.

10 If petitioner's sole claim to ownership of the property
11 is that it is marital property, the court may grant
12 petitioner relief under subparagraph (ii) of this
13 paragraph only if a proper proceeding has been filed under
14 the Illinois Marriage and Dissolution of Marriage Act, as
15 now or hereafter amended.

16 The court may further prohibit respondent from
17 improperly using the financial or other resources of an
18 aged member of the family or household for the profit or
19 advantage of respondent or of any other person.

20 (11.5) Protection of animals. Grant the petitioner the
21 exclusive care, custody, or control of any animal owned,
22 possessed, leased, kept, or held by either the petitioner
23 or the respondent or a minor child residing in the
24 residence or household of either the petitioner or the
25 respondent and order the respondent to stay away from the
26 animal and forbid the respondent from taking,

1 transferring, encumbering, concealing, harming, or
2 otherwise disposing of the animal.

3 (12) Order for payment of support. Order respondent to
4 pay temporary support for the petitioner or any child in
5 the petitioner's care or custody, when the respondent has a
6 legal obligation to support that person, in accordance with
7 the Illinois Marriage and Dissolution of Marriage Act,
8 which shall govern, among other matters, the amount of
9 support, payment through the clerk and withholding of
10 income to secure payment. An order for child support may be
11 granted to a petitioner with lawful physical care or
12 custody of a child, or an order or agreement for physical
13 care or custody, prior to entry of an order for legal
14 custody. Such a support order shall expire upon entry of a
15 valid order granting legal custody to another, unless
16 otherwise provided in the custody order.

17 (13) Order for payment of losses. Order respondent to
18 pay petitioner for losses suffered as a direct result of
19 the abuse. Such losses shall include, but not be limited
20 to, medical expenses, lost earnings or other support,
21 repair or replacement of property damaged or taken,
22 reasonable attorney's fees, court costs and moving or other
23 travel expenses, including additional reasonable expenses
24 for temporary shelter and restaurant meals.

25 (i) Losses affecting family needs. If a party is
26 entitled to seek maintenance, child support or

1 property distribution from the other party under the
2 Illinois Marriage and Dissolution of Marriage Act, as
3 now or hereafter amended, the court may order
4 respondent to reimburse petitioner's actual losses, to
5 the extent that such reimbursement would be
6 "appropriate temporary relief", as authorized by
7 subsection (a) (3) of Section 501 of that Act.

8 (ii) Recovery of expenses. In the case of an
9 improper concealment or removal of a minor child, the
10 court may order respondent to pay the reasonable
11 expenses incurred or to be incurred in the search for
12 and recovery of the minor child, including but not
13 limited to legal fees, court costs, private
14 investigator fees, and travel costs.

15 (14) Prohibition of entry. Prohibit the respondent
16 from entering or remaining in the residence or household
17 while the respondent is under the influence of alcohol or
18 drugs and constitutes a threat to the safety and well-being
19 of the petitioner or the petitioner's children.

20 (14.5) Prohibition of firearm possession.

21 (A) A person who is subject to an existing order of
22 protection, interim order of protection, emergency
23 order of protection, or plenary order of protection,
24 issued under this Code may not lawfully possess weapons
25 under Section 8.2 of the Firearm Owners Identification
26 Card and Certificate of Firearm Registration Act.

1 (B) Any firearms in the possession of the
2 respondent, except as provided in subparagraph (C) of
3 this paragraph (14.5), shall be ordered by the court to
4 be turned over to a person with a valid Firearm Owner's
5 Identification Card for safekeeping. The court shall
6 issue an order that the respondent's Firearm Owner's
7 Identification Card be turned over to the local law
8 enforcement agency, which in turn shall immediately
9 mail the card to the Department of State Police Firearm
10 Owner's Identification Card Office for safekeeping.
11 The period of safekeeping shall be for the duration of
12 the order of protection. The firearm or firearms and
13 Firearm Owner's Identification Card, if unexpired,
14 shall at the respondent's request be returned to the
15 respondent at expiration of the order of protection.

16 (C) If the respondent is a peace officer as defined
17 in Section 2-13 of the Criminal Code of 2012, the court
18 shall order that any firearms used by the respondent in
19 the performance of his or her duties as a peace officer
20 be surrendered to the chief law enforcement executive
21 of the agency in which the respondent is employed, who
22 shall retain the firearms for safekeeping for the
23 duration of the order of protection.

24 (D) Upon expiration of the period of safekeeping,
25 if the firearms or Firearm Owner's Identification Card
26 cannot be returned to respondent because respondent

1 cannot be located, fails to respond to requests to
2 retrieve the firearms, or is not lawfully eligible to
3 possess a firearm, upon petition from the local law
4 enforcement agency, the court may order the local law
5 enforcement agency to destroy the firearms, use the
6 firearms for training purposes, or for any other
7 application as deemed appropriate by the local law
8 enforcement agency; or that the firearms be turned over
9 to a third party who is lawfully eligible to possess
10 firearms, and who does not reside with respondent.

11 (15) Prohibition of access to records. If an order of
12 protection prohibits respondent from having contact with
13 the minor child, or if petitioner's address is omitted
14 under subsection (b) of Section 112A-5, or if necessary to
15 prevent abuse or wrongful removal or concealment of a minor
16 child, the order shall deny respondent access to, and
17 prohibit respondent from inspecting, obtaining, or
18 attempting to inspect or obtain, school or any other
19 records of the minor child who is in the care of
20 petitioner.

21 (16) Order for payment of shelter services. Order
22 respondent to reimburse a shelter providing temporary
23 housing and counseling services to the petitioner for the
24 cost of the services, as certified by the shelter and
25 deemed reasonable by the court.

26 (17) Order for injunctive relief. Enter injunctive

1 relief necessary or appropriate to prevent further abuse of
2 a family or household member or to effectuate one of the
3 granted remedies, if supported by the balance of hardships.
4 If the harm to be prevented by the injunction is abuse or
5 any other harm that one of the remedies listed in
6 paragraphs (1) through (16) of this subsection is designed
7 to prevent, no further evidence is necessary to establish
8 that the harm is an irreparable injury.

9 (c) Relevant factors; findings.

10 (1) In determining whether to grant a specific remedy,
11 other than payment of support, the court shall consider
12 relevant factors, including but not limited to the
13 following:

14 (i) the nature, frequency, severity, pattern and
15 consequences of the respondent's past abuse of the
16 petitioner or any family or household member,
17 including the concealment of his or her location in
18 order to evade service of process or notice, and the
19 likelihood of danger of future abuse to petitioner or
20 any member of petitioner's or respondent's family or
21 household; and

22 (ii) the danger that any minor child will be abused
23 or neglected or improperly removed from the
24 jurisdiction, improperly concealed within the State or
25 improperly separated from the child's primary
26 caretaker.

1 (2) In comparing relative hardships resulting to the
2 parties from loss of possession of the family home, the
3 court shall consider relevant factors, including but not
4 limited to the following:

5 (i) availability, accessibility, cost, safety,
6 adequacy, location and other characteristics of
7 alternate housing for each party and any minor child or
8 dependent adult in the party's care;

9 (ii) the effect on the party's employment; and

10 (iii) the effect on the relationship of the party,
11 and any minor child or dependent adult in the party's
12 care, to family, school, church and community.

13 (3) Subject to the exceptions set forth in paragraph
14 (4) of this subsection, the court shall make its findings
15 in an official record or in writing, and shall at a minimum
16 set forth the following:

17 (i) That the court has considered the applicable
18 relevant factors described in paragraphs (1) and (2) of
19 this subsection.

20 (ii) Whether the conduct or actions of respondent,
21 unless prohibited, will likely cause irreparable harm
22 or continued abuse.

23 (iii) Whether it is necessary to grant the
24 requested relief in order to protect petitioner or
25 other alleged abused persons.

26 (4) For purposes of issuing an ex parte emergency order

1 of protection, the court, as an alternative to or as a
2 supplement to making the findings described in paragraphs
3 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
4 the following procedure:

5 When a verified petition for an emergency order of
6 protection in accordance with the requirements of Sections
7 112A-5 and 112A-17 is presented to the court, the court
8 shall examine petitioner on oath or affirmation. An
9 emergency order of protection shall be issued by the court
10 if it appears from the contents of the petition and the
11 examination of petitioner that the averments are
12 sufficient to indicate abuse by respondent and to support
13 the granting of relief under the issuance of the emergency
14 order of protection.

15 (5) Never married parties. No rights or
16 responsibilities for a minor child born outside of marriage
17 attach to a putative father until a father and child
18 relationship has been established under the Illinois
19 Parentage Act of 1984 or under the Illinois Parentage Act
20 of 2015 on and after the effective date of that Act. Absent
21 such an adjudication, no putative father shall be granted
22 temporary custody of the minor child, visitation with the
23 minor child, or physical care and possession of the minor
24 child, nor shall an order of payment for support of the
25 minor child be entered.

26 (d) Balance of hardships; findings. If the court finds that

1 the balance of hardships does not support the granting of a
2 remedy governed by paragraph (2), (3), (10), (11), or (16) of
3 subsection (b) of this Section, which may require such
4 balancing, the court's findings shall so indicate and shall
5 include a finding as to whether granting the remedy will result
6 in hardship to respondent that would substantially outweigh the
7 hardship to petitioner from denial of the remedy. The findings
8 shall be an official record or in writing.

9 (e) Denial of remedies. Denial of any remedy shall not be
10 based, in whole or in part, on evidence that:

11 (1) Respondent has cause for any use of force, unless
12 that cause satisfies the standards for justifiable use of
13 force provided by Article 7 of the Criminal Code of 2012;

14 (2) Respondent was voluntarily intoxicated;

15 (3) Petitioner acted in self-defense or defense of
16 another, provided that, if petitioner utilized force, such
17 force was justifiable under Article 7 of the Criminal Code
18 of 2012;

19 (4) Petitioner did not act in self-defense or defense
20 of another;

21 (5) Petitioner left the residence or household to avoid
22 further abuse by respondent;

23 (6) Petitioner did not leave the residence or household
24 to avoid further abuse by respondent;

25 (7) Conduct by any family or household member excused
26 the abuse by respondent, unless that same conduct would

1 have excused such abuse if the parties had not been family
2 or household members.

3 (Source: P.A. 98-63, eff. 7-9-13; 99-85, eff. 1-1-16.)

4 Section 80. The Unified Code of Corrections is amended by
5 changing Sections 5-5-3 and 5-5-3.2 as follows:

6 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

11 (2) A period of probation, a term of periodic imprisonment
12 or conditional discharge shall not be imposed for the following
13 offenses. The court shall sentence the offender to not less
14 than the minimum term of imprisonment set forth in this Code
15 for the following offenses, and may order a fine or restitution
16 or both in conjunction with such term of imprisonment:

17 (A) First degree murder where the death penalty is not
18 imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) A violation of Section 401.1 or 407 of the Illinois
22 Controlled Substances Act, or a violation of subdivision
23 (c) (1.5) or (c) (2) of Section 401 of that Act which relates
24 to more than 5 grams of a substance containing cocaine,

1 fentanyl, or an analog thereof.

2 (D-5) A violation of subdivision (c) (1) of Section 401
3 of the Illinois Controlled Substances Act which relates to
4 3 or more grams of a substance containing heroin or an
5 analog thereof.

6 (E) A violation of Section 5.1 or 9 of the Cannabis
7 Control Act.

8 (F) A Class 2 or greater felony if the offender had
9 been convicted of a Class 2 or greater felony, including
10 any state or federal conviction for an offense that
11 contained, at the time it was committed, the same elements
12 as an offense now (the date of the offense committed after
13 the prior Class 2 or greater felony) classified as a Class
14 2 or greater felony, within 10 years of the date on which
15 the offender committed the offense for which he or she is
16 being sentenced, except as otherwise provided in Section
17 40-10 of the Alcoholism and Other Drug Abuse and Dependency
18 Act.

19 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
20 the Criminal Code of 1961 or the Criminal Code of 2012 for
21 which imprisonment is prescribed in those Sections.

22 (G) Residential burglary, except as otherwise provided
23 in Section 40-10 of the Alcoholism and Other Drug Abuse and
24 Dependency Act.

25 (H) Criminal sexual assault.

26 (I) Aggravated battery of a senior citizen as described

1 in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05
2 of the Criminal Code of 1961 or the Criminal Code of 2012.

3 (J) A forcible felony if the offense was related to the
4 activities of an organized gang.

5 Before July 1, 1994, for the purposes of this
6 paragraph, "organized gang" means an association of 5 or
7 more persons, with an established hierarchy, that
8 encourages members of the association to perpetrate crimes
9 or provides support to the members of the association who
10 do commit crimes.

11 Beginning July 1, 1994, for the purposes of this
12 paragraph, "organized gang" has the meaning ascribed to it
13 in Section 10 of the Illinois Streetgang Terrorism Omnibus
14 Prevention Act.

15 (K) Vehicular hijacking.

16 (L) A second or subsequent conviction for the offense
17 of hate crime when the underlying offense upon which the
18 hate crime is based is felony aggravated assault or felony
19 mob action.

20 (M) A second or subsequent conviction for the offense
21 of institutional vandalism if the damage to the property
22 exceeds \$300.

23 (N) A Class 3 felony violation of paragraph (1) of
24 subsection (a) of Section 2 of the Firearm Owners
25 Identification Card and Certificate of Firearm
26 Registration Act.

1 (O) A violation of Section 12-6.1 or 12-6.5 of the
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 (P) A violation of paragraph (1), (2), (3), (4), (5),
4 or (7) of subsection (a) of Section 11-20.1 of the Criminal
5 Code of 1961 or the Criminal Code of 2012.

6 (Q) A violation of subsection (b) or (b-5) of Section
7 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
8 Code of 1961 or the Criminal Code of 2012.

9 (R) A violation of Section 24-3A of the Criminal Code
10 of 1961 or the Criminal Code of 2012.

11 (S) (Blank).

12 (T) A second or subsequent violation of the
13 Methamphetamine Control and Community Protection Act.

14 (U) A second or subsequent violation of Section 6-303
15 of the Illinois Vehicle Code committed while his or her
16 driver's license, permit, or privilege was revoked because
17 of a violation of Section 9-3 of the Criminal Code of 1961
18 or the Criminal Code of 2012, relating to the offense of
19 reckless homicide, or a similar provision of a law of
20 another state.

21 (V) A violation of paragraph (4) of subsection (c) of
22 Section 11-20.1B or paragraph (4) of subsection (c) of
23 Section 11-20.3 of the Criminal Code of 1961, or paragraph
24 (6) of subsection (a) of Section 11-20.1 of the Criminal
25 Code of 2012 when the victim is under 13 years of age and
26 the defendant has previously been convicted under the laws

1 of this State or any other state of the offense of child
2 pornography, aggravated child pornography, aggravated
3 criminal sexual abuse, aggravated criminal sexual assault,
4 predatory criminal sexual assault of a child, or any of the
5 offenses formerly known as rape, deviate sexual assault,
6 indecent liberties with a child, or aggravated indecent
7 liberties with a child where the victim was under the age
8 of 18 years or an offense that is substantially equivalent
9 to those offenses.

10 (W) A violation of Section 24-3.5 of the Criminal Code
11 of 1961 or the Criminal Code of 2012.

12 (X) A violation of subsection (a) of Section 31-1a of
13 the Criminal Code of 1961 or the Criminal Code of 2012.

14 (Y) A conviction for unlawful possession of a firearm
15 by a street gang member when the firearm was loaded or
16 contained firearm ammunition.

17 (Z) A Class 1 felony committed while he or she was
18 serving a term of probation or conditional discharge for a
19 felony.

20 (AA) Theft of property exceeding \$500,000 and not
21 exceeding \$1,000,000 in value.

22 (BB) Laundering of criminally derived property of a
23 value exceeding \$500,000.

24 (CC) Knowingly selling, offering for sale, holding for
25 sale, or using 2,000 or more counterfeit items or
26 counterfeit items having a retail value in the aggregate of

1 \$500,000 or more.

2 (DD) A conviction for aggravated assault under
3 paragraph (6) of subsection (c) of Section 12-2 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 if the
5 firearm is aimed toward the person against whom the firearm
6 is being used.

7 (3) (Blank).

8 (4) A minimum term of imprisonment of not less than 10
9 consecutive days or 30 days of community service shall be
10 imposed for a violation of paragraph (c) of Section 6-303 of
11 the Illinois Vehicle Code.

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
14 this subsection (c), a minimum of 100 hours of community
15 service shall be imposed for a second violation of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300
18 hours of community service, as determined by the court, shall
19 be imposed for a second violation of subsection (c) of Section
20 6-303 of the Illinois Vehicle Code.

21 (4.4) Except as provided in paragraphs (4.5), (4.6), and
22 (4.9) of this subsection (c), a minimum term of imprisonment of
23 30 days or 300 hours of community service, as determined by the
24 court, shall be imposed for a third or subsequent violation of
25 Section 6-303 of the Illinois Vehicle Code.

26 (4.5) A minimum term of imprisonment of 30 days shall be

1 imposed for a third violation of subsection (c) of Section
2 6-303 of the Illinois Vehicle Code.

3 (4.6) Except as provided in paragraph (4.10) of this
4 subsection (c), a minimum term of imprisonment of 180 days
5 shall be imposed for a fourth or subsequent violation of
6 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

7 (4.7) A minimum term of imprisonment of not less than 30
8 consecutive days, or 300 hours of community service, shall be
9 imposed for a violation of subsection (a-5) of Section 6-303 of
10 the Illinois Vehicle Code, as provided in subsection (b-5) of
11 that Section.

12 (4.8) A mandatory prison sentence shall be imposed for a
13 second violation of subsection (a-5) of Section 6-303 of the
14 Illinois Vehicle Code, as provided in subsection (c-5) of that
15 Section. The person's driving privileges shall be revoked for a
16 period of not less than 5 years from the date of his or her
17 release from prison.

18 (4.9) A mandatory prison sentence of not less than 4 and
19 not more than 15 years shall be imposed for a third violation
20 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
21 Code, as provided in subsection (d-2.5) of that Section. The
22 person's driving privileges shall be revoked for the remainder
23 of his or her life.

24 (4.10) A mandatory prison sentence for a Class 1 felony
25 shall be imposed, and the person shall be eligible for an
26 extended term sentence, for a fourth or subsequent violation of

1 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
2 as provided in subsection (d-3.5) of that Section. The person's
3 driving privileges shall be revoked for the remainder of his or
4 her life.

5 (5) The court may sentence a corporation or unincorporated
6 association convicted of any offense to:

7 (A) a period of conditional discharge;

8 (B) a fine;

9 (C) make restitution to the victim under Section 5-5-6
10 of this Code.

11 (5.1) In addition to any other penalties imposed, and
12 except as provided in paragraph (5.2) or (5.3), a person
13 convicted of violating subsection (c) of Section 11-907 of the
14 Illinois Vehicle Code shall have his or her driver's license,
15 permit, or privileges suspended for at least 90 days but not
16 more than one year, if the violation resulted in damage to the
17 property of another person.

18 (5.2) In addition to any other penalties imposed, and
19 except as provided in paragraph (5.3), a person convicted of
20 violating subsection (c) of Section 11-907 of the Illinois
21 Vehicle Code shall have his or her driver's license, permit, or
22 privileges suspended for at least 180 days but not more than 2
23 years, if the violation resulted in injury to another person.

24 (5.3) In addition to any other penalties imposed, a person
25 convicted of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 2 years, if the violation
2 resulted in the death of another person.

3 (5.4) In addition to any other penalties imposed, a person
4 convicted of violating Section 3-707 of the Illinois Vehicle
5 Code shall have his or her driver's license, permit, or
6 privileges suspended for 3 months and until he or she has paid
7 a reinstatement fee of \$100.

8 (5.5) In addition to any other penalties imposed, a person
9 convicted of violating Section 3-707 of the Illinois Vehicle
10 Code during a period in which his or her driver's license,
11 permit, or privileges were suspended for a previous violation
12 of that Section shall have his or her driver's license, permit,
13 or privileges suspended for an additional 6 months after the
14 expiration of the original 3-month suspension and until he or
15 she has paid a reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

19 (9) A defendant convicted of a second or subsequent offense
20 of ritualized abuse of a child may be sentenced to a term of
21 natural life imprisonment.

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000 for a
24 first offense and \$2,000 for a second or subsequent offense
25 upon a person convicted of or placed on supervision for battery
26 when the individual harmed was a sports official or coach at

1 any level of competition and the act causing harm to the sports
2 official or coach occurred within an athletic facility or
3 within the immediate vicinity of the athletic facility at which
4 the sports official or coach was an active participant of the
5 athletic contest held at the athletic facility. For the
6 purposes of this paragraph (11), "sports official" means a
7 person at an athletic contest who enforces the rules of the
8 contest, such as an umpire or referee; "athletic facility"
9 means an indoor or outdoor playing field or recreational area
10 where sports activities are conducted; and "coach" means a
11 person recognized as a coach by the sanctioning authority that
12 conducted the sporting event.

13 (12) A person may not receive a disposition of court
14 supervision for a violation of Section 5-16 of the Boat
15 Registration and Safety Act if that person has previously
16 received a disposition of court supervision for a violation of
17 that Section.

18 (13) A person convicted of or placed on court supervision
19 for an assault or aggravated assault when the victim and the
20 offender are family or household members as defined in Section
21 103 of the Illinois Domestic Violence Act of 1986 or convicted
22 of domestic battery or aggravated domestic battery may be
23 required to attend a Partner Abuse Intervention Program under
24 protocols set forth by the Illinois Department of Human
25 Services under such terms and conditions imposed by the court.
26 The costs of such classes shall be paid by the offender.

1 (d) In any case in which a sentence originally imposed is
2 vacated, the case shall be remanded to the trial court. The
3 trial court shall hold a hearing under Section 5-4-1 of the
4 Unified Code of Corrections which may include evidence of the
5 defendant's life, moral character and occupation during the
6 time since the original sentence was passed. The trial court
7 shall then impose sentence upon the defendant. The trial court
8 may impose any sentence which could have been imposed at the
9 original trial subject to Section 5-5-4 of the Unified Code of
10 Corrections. If a sentence is vacated on appeal or on
11 collateral attack due to the failure of the trier of fact at
12 trial to determine beyond a reasonable doubt the existence of a
13 fact (other than a prior conviction) necessary to increase the
14 punishment for the offense beyond the statutory maximum
15 otherwise applicable, either the defendant may be re-sentenced
16 to a term within the range otherwise provided or, if the State
17 files notice of its intention to again seek the extended
18 sentence, the defendant shall be afforded a new trial.

19 (e) In cases where prosecution for aggravated criminal
20 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
21 Code of 1961 or the Criminal Code of 2012 results in conviction
22 of a defendant who was a family member of the victim at the
23 time of the commission of the offense, the court shall consider
24 the safety and welfare of the victim and may impose a sentence
25 of probation only where:

26 (1) the court finds (A) or (B) or both are appropriate:

1 (A) the defendant is willing to undergo a court
2 approved counseling program for a minimum duration of 2
3 years; or

4 (B) the defendant is willing to participate in a
5 court approved plan including but not limited to the
6 defendant's:

7 (i) removal from the household;

8 (ii) restricted contact with the victim;

9 (iii) continued financial support of the
10 family;

11 (iv) restitution for harm done to the victim;

12 and

13 (v) compliance with any other measures that
14 the court may deem appropriate; and

15 (2) the court orders the defendant to pay for the
16 victim's counseling services, to the extent that the court
17 finds, after considering the defendant's income and
18 assets, that the defendant is financially capable of paying
19 for such services, if the victim was under 18 years of age
20 at the time the offense was committed and requires
21 counseling as a result of the offense.

22 Probation may be revoked or modified pursuant to Section
23 5-6-4; except where the court determines at the hearing that
24 the defendant violated a condition of his or her probation
25 restricting contact with the victim or other family members or
26 commits another offense with the victim or other family

1 members, the court shall revoke the defendant's probation and
2 impose a term of imprisonment.

3 For the purposes of this Section, "family member" and
4 "victim" shall have the meanings ascribed to them in Section
5 11-0.1 of the Criminal Code of 2012.

6 (f) (Blank).

7 (g) Whenever a defendant is convicted of an offense under
8 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
9 11-14.3, 11-14.4 except for an offense that involves keeping a
10 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
11 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
12 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, the defendant shall undergo medical
14 testing to determine whether the defendant has any sexually
15 transmissible disease, including a test for infection with
16 human immunodeficiency virus (HIV) or any other identified
17 causative agent of acquired immunodeficiency syndrome (AIDS).
18 Any such medical test shall be performed only by appropriately
19 licensed medical practitioners and may include an analysis of
20 any bodily fluids as well as an examination of the defendant's
21 person. Except as otherwise provided by law, the results of
22 such test shall be kept strictly confidential by all medical
23 personnel involved in the testing and must be personally
24 delivered in a sealed envelope to the judge of the court in
25 which the conviction was entered for the judge's inspection in
26 camera. Acting in accordance with the best interests of the

1 victim and the public, the judge shall have the discretion to
2 determine to whom, if anyone, the results of the testing may be
3 revealed. The court shall notify the defendant of the test
4 results. The court shall also notify the victim if requested by
5 the victim, and if the victim is under the age of 15 and if
6 requested by the victim's parents or legal guardian, the court
7 shall notify the victim's parents or legal guardian of the test
8 results. The court shall provide information on the
9 availability of HIV testing and counseling at Department of
10 Public Health facilities to all parties to whom the results of
11 the testing are revealed and shall direct the State's Attorney
12 to provide the information to the victim when possible. A
13 State's Attorney may petition the court to obtain the results
14 of any HIV test administered under this Section, and the court
15 shall grant the disclosure if the State's Attorney shows it is
16 relevant in order to prosecute a charge of criminal
17 transmission of HIV under Section 12-5.01 or 12-16.2 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 against the
19 defendant. The court shall order that the cost of any such test
20 shall be paid by the county and may be taxed as costs against
21 the convicted defendant.

22 (g-5) When an inmate is tested for an airborne communicable
23 disease, as determined by the Illinois Department of Public
24 Health including but not limited to tuberculosis, the results
25 of the test shall be personally delivered by the warden or his
26 or her designee in a sealed envelope to the judge of the court

1 in which the inmate must appear for the judge's inspection in
2 camera if requested by the judge. Acting in accordance with the
3 best interests of those in the courtroom, the judge shall have
4 the discretion to determine what if any precautions need to be
5 taken to prevent transmission of the disease in the courtroom.

6 (h) Whenever a defendant is convicted of an offense under
7 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
8 defendant shall undergo medical testing to determine whether
9 the defendant has been exposed to human immunodeficiency virus
10 (HIV) or any other identified causative agent of acquired
11 immunodeficiency syndrome (AIDS). Except as otherwise provided
12 by law, the results of such test shall be kept strictly
13 confidential by all medical personnel involved in the testing
14 and must be personally delivered in a sealed envelope to the
15 judge of the court in which the conviction was entered for the
16 judge's inspection in camera. Acting in accordance with the
17 best interests of the public, the judge shall have the
18 discretion to determine to whom, if anyone, the results of the
19 testing may be revealed. The court shall notify the defendant
20 of a positive test showing an infection with the human
21 immunodeficiency virus (HIV). The court shall provide
22 information on the availability of HIV testing and counseling
23 at Department of Public Health facilities to all parties to
24 whom the results of the testing are revealed and shall direct
25 the State's Attorney to provide the information to the victim
26 when possible. A State's Attorney may petition the court to

1 obtain the results of any HIV test administered under this
2 Section, and the court shall grant the disclosure if the
3 State's Attorney shows it is relevant in order to prosecute a
4 charge of criminal transmission of HIV under Section 12-5.01 or
5 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
6 2012 against the defendant. The court shall order that the cost
7 of any such test shall be paid by the county and may be taxed as
8 costs against the convicted defendant.

9 (i) All fines and penalties imposed under this Section for
10 any violation of Chapters 3, 4, 6, and 11 of the Illinois
11 Vehicle Code, or a similar provision of a local ordinance, and
12 any violation of the Child Passenger Protection Act, or a
13 similar provision of a local ordinance, shall be collected and
14 disbursed by the circuit clerk as provided under Section 27.5
15 of the Clerks of Courts Act.

16 (j) In cases when prosecution for any violation of Section
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
18 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
19 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
20 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
21 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
22 Code of 2012, any violation of the Illinois Controlled
23 Substances Act, any violation of the Cannabis Control Act, or
24 any violation of the Methamphetamine Control and Community
25 Protection Act results in conviction, a disposition of court
26 supervision, or an order of probation granted under Section 10

1 of the Cannabis Control Act, Section 410 of the Illinois
2 Controlled Substances Act, or Section 70 of the Methamphetamine
3 Control and Community Protection Act of a defendant, the court
4 shall determine whether the defendant is employed by a facility
5 or center as defined under the Child Care Act of 1969, a public
6 or private elementary or secondary school, or otherwise works
7 with children under 18 years of age on a daily basis. When a
8 defendant is so employed, the court shall order the Clerk of
9 the Court to send a copy of the judgment of conviction or order
10 of supervision or probation to the defendant's employer by
11 certified mail. If the employer of the defendant is a school,
12 the Clerk of the Court shall direct the mailing of a copy of
13 the judgment of conviction or order of supervision or probation
14 to the appropriate regional superintendent of schools. The
15 regional superintendent of schools shall notify the State Board
16 of Education of any notification under this subsection.

17 (j-5) A defendant at least 17 years of age who is convicted
18 of a felony and who has not been previously convicted of a
19 misdemeanor or felony and who is sentenced to a term of
20 imprisonment in the Illinois Department of Corrections shall as
21 a condition of his or her sentence be required by the court to
22 attend educational courses designed to prepare the defendant
23 for a high school diploma and to work toward a high school
24 diploma or to work toward passing high school equivalency
25 testing or to work toward completing a vocational training
26 program offered by the Department of Corrections. If a

1 defendant fails to complete the educational training required
2 by his or her sentence during the term of incarceration, the
3 Prisoner Review Board shall, as a condition of mandatory
4 supervised release, require the defendant, at his or her own
5 expense, to pursue a course of study toward a high school
6 diploma or passage of high school equivalency testing. The
7 Prisoner Review Board shall revoke the mandatory supervised
8 release of a defendant who wilfully fails to comply with this
9 subsection (j-5) upon his or her release from confinement in a
10 penal institution while serving a mandatory supervised release
11 term; however, the inability of the defendant after making a
12 good faith effort to obtain financial aid or pay for the
13 educational training shall not be deemed a wilful failure to
14 comply. The Prisoner Review Board shall recommit the defendant
15 whose mandatory supervised release term has been revoked under
16 this subsection (j-5) as provided in Section 3-3-9. This
17 subsection (j-5) does not apply to a defendant who has a high
18 school diploma or has successfully passed high school
19 equivalency testing. This subsection (j-5) does not apply to a
20 defendant who is determined by the court to be a person with a
21 developmental disability or otherwise mentally incapable of
22 completing the educational or vocational program.

23 (k) (Blank).

24 (l) (A) Except as provided in paragraph (C) of subsection
25 (l), whenever a defendant, who is an alien as defined by the
26 Immigration and Nationality Act, is convicted of any felony or

1 misdemeanor offense, the court after sentencing the defendant
2 may, upon motion of the State's Attorney, hold sentence in
3 abeyance and remand the defendant to the custody of the
4 Attorney General of the United States or his or her designated
5 agent to be deported when:

6 (1) a final order of deportation has been issued
7 against the defendant pursuant to proceedings under the
8 Immigration and Nationality Act, and

9 (2) the deportation of the defendant would not
10 deprecate the seriousness of the defendant's conduct and
11 would not be inconsistent with the ends of justice.

12 Otherwise, the defendant shall be sentenced as provided in
13 this Chapter V.

14 (B) If the defendant has already been sentenced for a
15 felony or misdemeanor offense, or has been placed on probation
16 under Section 10 of the Cannabis Control Act, Section 410 of
17 the Illinois Controlled Substances Act, or Section 70 of the
18 Methamphetamine Control and Community Protection Act, the
19 court may, upon motion of the State's Attorney to suspend the
20 sentence imposed, commit the defendant to the custody of the
21 Attorney General of the United States or his or her designated
22 agent when:

23 (1) a final order of deportation has been issued
24 against the defendant pursuant to proceedings under the
25 Immigration and Nationality Act, and

26 (2) the deportation of the defendant would not

1 deprecate the seriousness of the defendant's conduct and
2 would not be inconsistent with the ends of justice.

3 (C) This subsection (1) does not apply to offenders who are
4 subject to the provisions of paragraph (2) of subsection (a) of
5 Section 3-6-3.

6 (D) Upon motion of the State's Attorney, if a defendant
7 sentenced under this Section returns to the jurisdiction of the
8 United States, the defendant shall be recommitted to the
9 custody of the county from which he or she was sentenced.
10 Thereafter, the defendant shall be brought before the
11 sentencing court, which may impose any sentence that was
12 available under Section 5-5-3 at the time of initial
13 sentencing. In addition, the defendant shall not be eligible
14 for additional sentence credit for good conduct as provided
15 under Section 3-6-3.

16 (m) A person convicted of criminal defacement of property
17 under Section 21-1.3 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, in which the property damage exceeds
19 \$300 and the property damaged is a school building, shall be
20 ordered to perform community service that may include cleanup,
21 removal, or painting over the defacement.

22 (n) The court may sentence a person convicted of a
23 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
24 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
25 of 1961 or the Criminal Code of 2012 (i) to an impact
26 incarceration program if the person is otherwise eligible for

1 that program under Section 5-8-1.1, (ii) to community service,
2 or (iii) if the person is an addict or alcoholic, as defined in
3 the Alcoholism and Other Drug Abuse and Dependency Act, to a
4 substance or alcohol abuse program licensed under that Act.

5 (o) Whenever a person is convicted of a sex offense as
6 defined in Section 2 of the Sex Offender Registration Act, the
7 defendant's driver's license or permit shall be subject to
8 renewal on an annual basis in accordance with the provisions of
9 license renewal established by the Secretary of State.

10 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
11 99-143, eff. 7-27-15.)

12 (730 ILCS 5/5-5-3.2)

13 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
14 Sentencing.

15 (a) The following factors shall be accorded weight in favor
16 of imposing a term of imprisonment or may be considered by the
17 court as reasons to impose a more severe sentence under Section
18 5-8-1 or Article 4.5 of Chapter V:

19 (1) the defendant's conduct caused or threatened
20 serious harm;

21 (2) the defendant received compensation for committing
22 the offense;

23 (3) the defendant has a history of prior delinquency or
24 criminal activity;

25 (4) the defendant, by the duties of his office or by

1 his position, was obliged to prevent the particular offense
2 committed or to bring the offenders committing it to
3 justice;

4 (5) the defendant held public office at the time of the
5 offense, and the offense related to the conduct of that
6 office;

7 (6) the defendant utilized his professional reputation
8 or position in the community to commit the offense, or to
9 afford him an easier means of committing it;

10 (7) the sentence is necessary to deter others from
11 committing the same crime;

12 (8) the defendant committed the offense against a
13 person 60 years of age or older or such person's property;

14 (9) the defendant committed the offense against a
15 person who has a physical disability or such person's
16 property;

17 (10) by reason of another individual's actual or
18 perceived race, color, creed, religion, ancestry, gender,
19 sexual orientation, physical or mental disability, or
20 national origin, the defendant committed the offense
21 against (i) the person or property of that individual; (ii)
22 the person or property of a person who has an association
23 with, is married to, or has a friendship with the other
24 individual; or (iii) the person or property of a relative
25 (by blood or marriage) of a person described in clause (i)
26 or (ii). For the purposes of this Section, "sexual

1 orientation" has the meaning ascribed to it in paragraph
2 (O-1) of Section 1-103 of the Illinois Human Rights Act;

3 (11) the offense took place in a place of worship or on
4 the grounds of a place of worship, immediately prior to,
5 during or immediately following worship services. For
6 purposes of this subparagraph, "place of worship" shall
7 mean any church, synagogue or other building, structure or
8 place used primarily for religious worship;

9 (12) the defendant was convicted of a felony committed
10 while he was released on bail or his own recognizance
11 pending trial for a prior felony and was convicted of such
12 prior felony, or the defendant was convicted of a felony
13 committed while he was serving a period of probation,
14 conditional discharge, or mandatory supervised release
15 under subsection (d) of Section 5-8-1 for a prior felony;

16 (13) the defendant committed or attempted to commit a
17 felony while he was wearing a bulletproof vest. For the
18 purposes of this paragraph (13), a bulletproof vest is any
19 device which is designed for the purpose of protecting the
20 wearer from bullets, shot or other lethal projectiles;

21 (14) the defendant held a position of trust or
22 supervision such as, but not limited to, family member as
23 defined in Section 11-0.1 of the Criminal Code of 2012,
24 teacher, scout leader, baby sitter, or day care worker, in
25 relation to a victim under 18 years of age, and the
26 defendant committed an offense in violation of Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
2 11-14.4 except for an offense that involves keeping a place
3 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
4 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
5 or 12-16 of the Criminal Code of 1961 or the Criminal Code
6 of 2012 against that victim;

7 (15) the defendant committed an offense related to the
8 activities of an organized gang. For the purposes of this
9 factor, "organized gang" has the meaning ascribed to it in
10 Section 10 of the Streetgang Terrorism Omnibus Prevention
11 Act;

12 (16) the defendant committed an offense in violation of
13 one of the following Sections while in a school, regardless
14 of the time of day or time of year; on any conveyance
15 owned, leased, or contracted by a school to transport
16 students to or from school or a school related activity; on
17 the real property of a school; or on a public way within
18 1,000 feet of the real property comprising any school:
19 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
20 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
21 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
22 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
23 18-2, or 33A-2, or Section 12-3.05 except for subdivision
24 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
25 Criminal Code of 2012;

26 (16.5) the defendant committed an offense in violation

1 of one of the following Sections while in a day care
2 center, regardless of the time of day or time of year; on
3 the real property of a day care center, regardless of the
4 time of day or time of year; or on a public way within
5 1,000 feet of the real property comprising any day care
6 center, regardless of the time of day or time of year:
7 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
8 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
9 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
10 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
11 18-2, or 33A-2, or Section 12-3.05 except for subdivision
12 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
13 Criminal Code of 2012;

14 (17) the defendant committed the offense by reason of
15 any person's activity as a community policing volunteer or
16 to prevent any person from engaging in activity as a
17 community policing volunteer. For the purpose of this
18 Section, "community policing volunteer" has the meaning
19 ascribed to it in Section 2-3.5 of the Criminal Code of
20 2012;

21 (18) the defendant committed the offense in a nursing
22 home or on the real property comprising a nursing home. For
23 the purposes of this paragraph (18), "nursing home" means a
24 skilled nursing or intermediate long term care facility
25 that is subject to license by the Illinois Department of
26 Public Health under the Nursing Home Care Act, the

1 Specialized Mental Health Rehabilitation Act of 2013, the
2 ID/DD Community Care Act, or the MC/DD Act;

3 (19) the defendant was a federally licensed firearm
4 dealer and was previously convicted of a violation of
5 subsection (a) of Section 3 of the Firearm Owners
6 Identification Card and Certificate of Firearm
7 Registration Act and has now committed either a felony
8 violation of the Firearm Owners Identification Card and
9 Certificate of Firearm Registration Act or an act of armed
10 violence while armed with a firearm;

11 (20) the defendant (i) committed the offense of
12 reckless homicide under Section 9-3 of the Criminal Code of
13 1961 or the Criminal Code of 2012 or the offense of driving
14 under the influence of alcohol, other drug or drugs,
15 intoxicating compound or compounds or any combination
16 thereof under Section 11-501 of the Illinois Vehicle Code
17 or a similar provision of a local ordinance and (ii) was
18 operating a motor vehicle in excess of 20 miles per hour
19 over the posted speed limit as provided in Article VI of
20 Chapter 11 of the Illinois Vehicle Code;

21 (21) the defendant (i) committed the offense of
22 reckless driving or aggravated reckless driving under
23 Section 11-503 of the Illinois Vehicle Code and (ii) was
24 operating a motor vehicle in excess of 20 miles per hour
25 over the posted speed limit as provided in Article VI of
26 Chapter 11 of the Illinois Vehicle Code;

1 (22) the defendant committed the offense against a
2 person that the defendant knew, or reasonably should have
3 known, was a member of the Armed Forces of the United
4 States serving on active duty. For purposes of this clause
5 (22), the term "Armed Forces" means any of the Armed Forces
6 of the United States, including a member of any reserve
7 component thereof or National Guard unit called to active
8 duty;

9 (23) the defendant committed the offense against a
10 person who was elderly or infirm or who was a person with a
11 disability by taking advantage of a family or fiduciary
12 relationship with the elderly or infirm person or person
13 with a disability;

14 (24) the defendant committed any offense under Section
15 11-20.1 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 and possessed 100 or more images;

17 (25) the defendant committed the offense while the
18 defendant or the victim was in a train, bus, or other
19 vehicle used for public transportation;

20 (26) the defendant committed the offense of child
21 pornography or aggravated child pornography, specifically
22 including paragraph (1), (2), (3), (4), (5), or (7) of
23 subsection (a) of Section 11-20.1 of the Criminal Code of
24 1961 or the Criminal Code of 2012 where a child engaged in,
25 solicited for, depicted in, or posed in any act of sexual
26 penetration or bound, fettered, or subject to sadistic,

1 masochistic, or sadomasochistic abuse in a sexual context
2 and specifically including paragraph (1), (2), (3), (4),
3 (5), or (7) of subsection (a) of Section 11-20.1B or
4 Section 11-20.3 of the Criminal Code of 1961 where a child
5 engaged in, solicited for, depicted in, or posed in any act
6 of sexual penetration or bound, fettered, or subject to
7 sadistic, masochistic, or sadomasochistic abuse in a
8 sexual context;

9 (27) the defendant committed the offense of first
10 degree murder, assault, aggravated assault, battery,
11 aggravated battery, robbery, armed robbery, or aggravated
12 robbery against a person who was a veteran and the
13 defendant knew, or reasonably should have known, that the
14 person was a veteran performing duties as a representative
15 of a veterans' organization. For the purposes of this
16 paragraph (27), "veteran" means an Illinois resident who
17 has served as a member of the United States Armed Forces, a
18 member of the Illinois National Guard, or a member of the
19 United States Reserve Forces; and "veterans' organization"
20 means an organization comprised of members of which
21 substantially all are individuals who are veterans or
22 spouses, widows, or widowers of veterans, the primary
23 purpose of which is to promote the welfare of its members
24 and to provide assistance to the general public in such a
25 way as to confer a public benefit;

26 (28) the defendant committed the offense of assault,

1 aggravated assault, battery, aggravated battery, robbery,
2 armed robbery, or aggravated robbery against a person that
3 the defendant knew or reasonably should have known was a
4 letter carrier or postal worker while that person was
5 performing his or her duties delivering mail for the United
6 States Postal Service; ~~or~~

7 (29) the defendant committed the offense of criminal
8 sexual assault, aggravated criminal sexual assault,
9 criminal sexual abuse, or aggravated criminal sexual abuse
10 against a victim with an intellectual disability, and the
11 defendant holds a position of trust, authority, or
12 supervision in relation to the victim; or

13 (30) ~~(29)~~ the defendant committed the offense of
14 promoting juvenile prostitution, patronizing a prostitute,
15 or patronizing a minor engaged in prostitution and at the
16 time of the commission of the offense knew that the
17 prostitute or minor engaged in prostitution was in the
18 custody or guardianship of the Department of Children and
19 Family Services.

20 For the purposes of this Section:

21 "School" is defined as a public or private elementary or
22 secondary school, community college, college, or university.

23 "Day care center" means a public or private State certified
24 and licensed day care center as defined in Section 2.09 of the
25 Child Care Act of 1969 that displays a sign in plain view
26 stating that the property is a day care center.

1 "Intellectual disability" means significantly subaverage
2 intellectual functioning which exists concurrently with
3 impairment in adaptive behavior.

4 "Public transportation" means the transportation or
5 conveyance of persons by means available to the general public,
6 and includes paratransit services.

7 (b) The following factors, related to all felonies, may be
8 considered by the court as reasons to impose an extended term
9 sentence under Section 5-8-2 upon any offender:

10 (1) When a defendant is convicted of any felony, after
11 having been previously convicted in Illinois or any other
12 jurisdiction of the same or similar class felony or greater
13 class felony, when such conviction has occurred within 10
14 years after the previous conviction, excluding time spent
15 in custody, and such charges are separately brought and
16 tried and arise out of different series of acts; or

17 (2) When a defendant is convicted of any felony and the
18 court finds that the offense was accompanied by
19 exceptionally brutal or heinous behavior indicative of
20 wanton cruelty; or

21 (3) When a defendant is convicted of any felony
22 committed against:

23 (i) a person under 12 years of age at the time of
24 the offense or such person's property;

25 (ii) a person 60 years of age or older at the time
26 of the offense or such person's property; or

1 (iii) a person who had a physical disability at the
2 time of the offense or such person's property; or

3 (4) When a defendant is convicted of any felony and the
4 offense involved any of the following types of specific
5 misconduct committed as part of a ceremony, rite,
6 initiation, observance, performance, practice or activity
7 of any actual or ostensible religious, fraternal, or social
8 group:

9 (i) the brutalizing or torturing of humans or
10 animals;

11 (ii) the theft of human corpses;

12 (iii) the kidnapping of humans;

13 (iv) the desecration of any cemetery, religious,
14 fraternal, business, governmental, educational, or
15 other building or property; or

16 (v) ritualized abuse of a child; or

17 (5) When a defendant is convicted of a felony other
18 than conspiracy and the court finds that the felony was
19 committed under an agreement with 2 or more other persons
20 to commit that offense and the defendant, with respect to
21 the other individuals, occupied a position of organizer,
22 supervisor, financier, or any other position of management
23 or leadership, and the court further finds that the felony
24 committed was related to or in furtherance of the criminal
25 activities of an organized gang or was motivated by the
26 defendant's leadership in an organized gang; or

1 (6) When a defendant is convicted of an offense
2 committed while using a firearm with a laser sight attached
3 to it. For purposes of this paragraph, "laser sight" has
4 the meaning ascribed to it in Section 26-7 of the Criminal
5 Code of 2012; or

6 (7) When a defendant who was at least 17 years of age
7 at the time of the commission of the offense is convicted
8 of a felony and has been previously adjudicated a
9 delinquent minor under the Juvenile Court Act of 1987 for
10 an act that if committed by an adult would be a Class X or
11 Class 1 felony when the conviction has occurred within 10
12 years after the previous adjudication, excluding time
13 spent in custody; or

14 (8) When a defendant commits any felony and the
15 defendant used, possessed, exercised control over, or
16 otherwise directed an animal to assault a law enforcement
17 officer engaged in the execution of his or her official
18 duties or in furtherance of the criminal activities of an
19 organized gang in which the defendant is engaged; or

20 (9) When a defendant commits any felony and the
21 defendant knowingly video or audio records the offense with
22 the intent to disseminate the recording.

23 (c) The following factors may be considered by the court as
24 reasons to impose an extended term sentence under Section 5-8-2
25 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

26 (1) When a defendant is convicted of first degree

1 murder, after having been previously convicted in Illinois
2 of any offense listed under paragraph (c)(2) of Section
3 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
4 within 10 years after the previous conviction, excluding
5 time spent in custody, and the charges are separately
6 brought and tried and arise out of different series of
7 acts.

8 (1.5) When a defendant is convicted of first degree
9 murder, after having been previously convicted of domestic
10 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
11 (720 ILCS 5/12-3.3) committed on the same victim or after
12 having been previously convicted of violation of an order
13 of protection (720 ILCS 5/12-30) in which the same victim
14 was the protected person.

15 (2) When a defendant is convicted of voluntary
16 manslaughter, second degree murder, involuntary
17 manslaughter, or reckless homicide in which the defendant
18 has been convicted of causing the death of more than one
19 individual.

20 (3) When a defendant is convicted of aggravated
21 criminal sexual assault or criminal sexual assault, when
22 there is a finding that aggravated criminal sexual assault
23 or criminal sexual assault was also committed on the same
24 victim by one or more other individuals, and the defendant
25 voluntarily participated in the crime with the knowledge of
26 the participation of the others in the crime, and the

1 commission of the crime was part of a single course of
2 conduct during which there was no substantial change in the
3 nature of the criminal objective.

4 (4) If the victim was under 18 years of age at the time
5 of the commission of the offense, when a defendant is
6 convicted of aggravated criminal sexual assault or
7 predatory criminal sexual assault of a child under
8 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
9 of Section 12-14.1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

11 (5) When a defendant is convicted of a felony violation
12 of Section 24-1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
14 finding that the defendant is a member of an organized
15 gang.

16 (6) When a defendant was convicted of unlawful use of
17 weapons under Section 24-1 of the Criminal Code of 1961 or
18 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
19 a weapon that is not readily distinguishable as one of the
20 weapons enumerated in Section 24-1 of the Criminal Code of
21 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

22 (7) When a defendant is convicted of an offense
23 involving the illegal manufacture of a controlled
24 substance under Section 401 of the Illinois Controlled
25 Substances Act (720 ILCS 570/401), the illegal manufacture
26 of methamphetamine under Section 25 of the Methamphetamine

1 Control and Community Protection Act (720 ILCS 646/25), or
2 the illegal possession of explosives and an emergency
3 response officer in the performance of his or her duties is
4 killed or injured at the scene of the offense while
5 responding to the emergency caused by the commission of the
6 offense. In this paragraph, "emergency" means a situation
7 in which a person's life, health, or safety is in jeopardy;
8 and "emergency response officer" means a peace officer,
9 community policing volunteer, fireman, emergency medical
10 technician-ambulance, emergency medical
11 technician-intermediate, emergency medical
12 technician-paramedic, ambulance driver, other medical
13 assistance or first aid personnel, or hospital emergency
14 room personnel.

15 (8) When the defendant is convicted of attempted mob
16 action, solicitation to commit mob action, or conspiracy to
17 commit mob action under Section 8-1, 8-2, or 8-4 of the
18 Criminal Code of 2012, where the criminal object is a
19 violation of Section 25-1 of the Criminal Code of 2012, and
20 an electronic communication is used in the commission of
21 the offense. For the purposes of this paragraph (8),
22 "electronic communication" shall have the meaning provided
23 in Section 26.5-0.1 of the Criminal Code of 2012.

24 (d) For the purposes of this Section, "organized gang" has
25 the meaning ascribed to it in Section 10 of the Illinois
26 Streetgang Terrorism Omnibus Prevention Act.

1 (e) The court may impose an extended term sentence under
2 Article 4.5 of Chapter V upon an offender who has been
3 convicted of a felony violation of Section 11-1.20, 11-1.30,
4 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
5 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
6 when the victim of the offense is under 18 years of age at the
7 time of the commission of the offense and, during the
8 commission of the offense, the victim was under the influence
9 of alcohol, regardless of whether or not the alcohol was
10 supplied by the offender; and the offender, at the time of the
11 commission of the offense, knew or should have known that the
12 victim had consumed alcohol.

13 (Source: P.A. 98-14, eff. 1-1-14; 98-104, eff. 7-22-13; 98-385,
14 eff. 1-1-14; 98-756, eff. 7-16-14; 99-77, eff. 1-1-16; 99-143,
15 eff. 7-27-15; 99-180, eff. 7-29-15; 99-283, eff. 1-1-16;
16 99-347, eff. 1-1-16; revised 10-19-15.)

17 Section 85. The Mental Health and Developmental
18 Disabilities Confidentiality Act is amended by changing
19 Section 12 as follows:

20 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

21 Sec. 12. (a) If the United States Secret Service or the
22 Department of State Police requests information from a mental
23 health or developmental disability facility, as defined in
24 Section 1-107 and 1-114 of the Mental Health and Developmental

1 Disabilities Code, relating to a specific recipient and the
2 facility director determines that disclosure of such
3 information may be necessary to protect the life of, or to
4 prevent the infliction of great bodily harm to, a public
5 official, or a person under the protection of the United States
6 Secret Service, only the following information may be
7 disclosed: the recipient's name, address, and age and the date
8 of any admission to or discharge from a facility; and any
9 information which would indicate whether or not the recipient
10 has a history of violence or presents a danger of violence to
11 the person under protection. Any information so disclosed shall
12 be used for investigative purposes only and shall not be
13 publicly disseminated. Any person participating in good faith
14 in the disclosure of such information in accordance with this
15 provision shall have immunity from any liability, civil,
16 criminal or otherwise, if such information is disclosed relying
17 upon the representation of an officer of the United States
18 Secret Service or the Department of State Police that a person
19 is under the protection of the United States Secret Service or
20 is a public official.

21 For the purpose of this subsection (a), the term "public
22 official" means the Governor, Lieutenant Governor, Attorney
23 General, Secretary of State, State Comptroller, State
24 Treasurer, member of the General Assembly, member of the United
25 States Congress, Judge of the United States as defined in 28
26 U.S.C. 451, Justice of the United States as defined in 28

1 U.S.C. 451, United States Magistrate Judge as defined in 28
2 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
3 Supreme, Appellate, Circuit, or Associate Judge of the State of
4 Illinois. The term shall also include the spouse, child or
5 children of a public official.

6 (b) The Department of Human Services (acting as successor
7 to the Department of Mental Health and Developmental
8 Disabilities) and all public or private hospitals and mental
9 health facilities are required, as hereafter described in this
10 subsection, to furnish the Department of State Police only such
11 information as may be required for the sole purpose of
12 determining whether an individual who may be or may have been a
13 patient is disqualified because of that status from receiving
14 or retaining a Firearm Owner's Identification Card or falls
15 within the federal prohibitors under subsection (e), (f), (g),
16 (r), (s), or (t) of Section 8 of the Firearm Owners
17 Identification Card and Certificate of Firearm Registration
18 Act, or falls within the federal prohibitors in 18 U.S.C.
19 922(g) and (n). All physicians, clinical psychologists, or
20 qualified examiners at public or private mental health
21 facilities or parts thereof as defined in this subsection
22 shall, in the form and manner required by the Department,
23 provide notice directly to the Department of Human Services, or
24 to his or her employer who shall then report to the Department,
25 within 24 hours after determining that a person poses a clear
26 and present danger to himself, herself, or others, or within 7

1 days after a person 14 years or older is determined to be a
2 person with a developmental disability by a physician, clinical
3 psychologist, or qualified examiner as described in Section 1.1
4 of the Firearm Owners Identification Card and Certificate of
5 Firearm Registration Act. If a person is a patient as described
6 in clause (1) of the definition of "patient" in Section 1.1 of
7 the Firearm Owners Identification Card and Certificate of
8 Firearm Registration Act, this information shall be furnished
9 within 7 days after admission to a public or private hospital
10 or mental health facility or the provision of services. Any
11 such information disclosed under this subsection shall remain
12 privileged and confidential, and shall not be redisclosed,
13 except as required by subsection (e) of Section 3.1 of the
14 Firearm Owners Identification Card and Certificate of Firearm
15 Registration Act, nor utilized for any other purpose. The
16 method of requiring the providing of such information shall
17 guarantee that no information is released beyond what is
18 necessary for this purpose. In addition, the information
19 disclosed shall be provided by the Department within the time
20 period established by Section 24-3 of the Criminal Code of 2012
21 regarding the delivery of firearms. The method used shall be
22 sufficient to provide the necessary information within the
23 prescribed time period, which may include periodically
24 providing lists to the Department of Human Services or any
25 public or private hospital or mental health facility of Firearm
26 Owner's Identification Card applicants on which the Department

1 or hospital shall indicate the identities of those individuals
2 who are to its knowledge disqualified from having a Firearm
3 Owner's Identification Card for reasons described herein. The
4 Department may provide for a centralized source of information
5 for the State on this subject under its jurisdiction. The
6 identity of the person reporting under this subsection shall
7 not be disclosed to the subject of the report. For the purposes
8 of this subsection, the physician, clinical psychologist, or
9 qualified examiner making the determination and his or her
10 employer shall not be held criminally, civilly, or
11 professionally liable for making or not making the notification
12 required under this subsection, except for willful or wanton
13 misconduct.

14 Any person, institution, or agency, under this Act,
15 participating in good faith in the reporting or disclosure of
16 records and communications otherwise in accordance with this
17 provision or with rules, regulations or guidelines issued by
18 the Department shall have immunity from any liability, civil,
19 criminal or otherwise, that might result by reason of the
20 action. For the purpose of any proceeding, civil or criminal,
21 arising out of a report or disclosure in accordance with this
22 provision, the good faith of any person, institution, or agency
23 so reporting or disclosing shall be presumed. The full extent
24 of the immunity provided in this subsection (b) shall apply to
25 any person, institution or agency that fails to make a report
26 or disclosure in the good faith belief that the report or

1 disclosure would violate federal regulations governing the
2 confidentiality of alcohol and drug abuse patient records
3 implementing 42 U.S.C. 290dd-3 and 290ee-3.

4 For purposes of this subsection (b) only, the following
5 terms shall have the meaning prescribed:

6 (1) (Blank).

7 (1.3) "Clear and present danger" has the meaning as
8 defined in Section 1.1 of the Firearm Owners Identification
9 Card Act.

10 (1.5) "Person with a developmental disability" has the
11 meaning as defined in Section 1.1 of the Firearm Owners
12 Identification Card Act.

13 (2) "Patient" has the meaning as defined in Section 1.1
14 of the Firearm Owners Identification Card and Certificate
15 of Firearm Registration Act.

16 (3) "Mental health facility" has the meaning as defined
17 in Section 1.1 of the Firearm Owners Identification Card
18 and Certificate of Firearm Registration Act.

19 (c) Upon the request of a peace officer who takes a person
20 into custody and transports such person to a mental health or
21 developmental disability facility pursuant to Section 3-606 or
22 4-404 of the Mental Health and Developmental Disabilities Code
23 or who transports a person from such facility, a facility
24 director shall furnish said peace officer the name, address,
25 age and name of the nearest relative of the person transported
26 to or from the mental health or developmental disability

1 facility. In no case shall the facility director disclose to
2 the peace officer any information relating to the diagnosis,
3 treatment or evaluation of the person's mental or physical
4 health.

5 For the purposes of this subsection (c), the terms "mental
6 health or developmental disability facility", "peace officer"
7 and "facility director" shall have the meanings ascribed to
8 them in the Mental Health and Developmental Disabilities Code.

9 (d) Upon the request of a peace officer or prosecuting
10 authority who is conducting a bona fide investigation of a
11 criminal offense, or attempting to apprehend a fugitive from
12 justice, a facility director may disclose whether a person is
13 present at the facility. Upon request of a peace officer or
14 prosecuting authority who has a valid forcible felony warrant
15 issued, a facility director shall disclose: (1) whether the
16 person who is the subject of the warrant is present at the
17 facility and (2) the date of that person's discharge or future
18 discharge from the facility. The requesting peace officer or
19 prosecuting authority must furnish a case number and the
20 purpose of the investigation or an outstanding arrest warrant
21 at the time of the request. Any person, institution, or agency
22 participating in good faith in disclosing such information in
23 accordance with this subsection (d) is immune from any
24 liability, civil, criminal or otherwise, that might result by
25 reason of the action.

26 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,

1 eff. 7-27-15; revised 10-22-15.)

2 Section 90. The Uniform Disposition of Unclaimed Property
3 Act is amended by changing Section 1 as follows:

4 (765 ILCS 1025/1) (from Ch. 141, par. 101)

5 Sec. 1. As used in this Act, unless the context otherwise
6 requires:

7 (a) "Banking organization" means any bank, trust company,
8 savings bank, industrial bank, land bank, safe deposit company,
9 or a private banker.

10 (b) "Business association" means any corporation, joint
11 stock company, business trust, partnership, or any
12 association, limited liability company, or other business
13 entity consisting of one or more persons, whether or not for
14 profit.

15 (c) "Financial organization" means any savings and loan
16 association, building and loan association, credit union,
17 currency exchange, co-operative bank, mutual funds, or
18 investment company.

19 (d) "Holder" means any person in possession of property
20 subject to this Act belonging to another, or who is trustee in
21 case of a trust, or is indebted to another on an obligation
22 subject to this Act.

23 (e) "Life insurance corporation" means any association or
24 corporation transacting the business of insurance on the lives

1 of persons or insurance appertaining thereto, including, but
2 not by way of limitation, endowments and annuities.

3 (f) "Owner" means a depositor in case of a deposit, a
4 beneficiary in case of a trust, a creditor, claimant, or payee
5 in case of other property, or any person having a legal or
6 equitable interest in property subject to this Act, or his
7 legal representative.

8 (g) "Person" means any individual, business association,
9 financial organization, government or political subdivision or
10 agency, public authority, estate, trust, or any other legal or
11 commercial entity.

12 (h) "Utility" means any person who owns or operates, for
13 public use, any plant, equipment, property, franchise, or
14 license for the transmission of communications or the
15 production, storage, transmission, sale, delivery, or
16 furnishing of electricity, water, steam, oil or gas.

17 (i) (Blank).

18 (j) "Insurance company" means any person transacting the
19 kinds of business enumerated in Section 4 of the Illinois
20 Insurance Code other than life insurance.

21 (k) "Economic loss", as used in Sections 2a and 9 of this
22 Act includes, but is not limited to, delivery charges,
23 mark-downs and write-offs, carrying costs, restocking charges,
24 lay-aways, special orders, issuance of credit memos, and the
25 costs of special services or goods provided that reduce the
26 property value or that result in lost sales opportunity.

1 (1) "Reportable property" means property, tangible or
2 intangible, presumed abandoned under this Act that must be
3 appropriately and timely reported and remitted to the Office of
4 the State Treasurer under this Act. Interest, dividends, stock
5 splits, warrants, or other rights that become reportable
6 property under this Act include the underlying security or
7 commodity giving rise to the interest, dividend, split,
8 warrant, or other right to which the owner would be entitled.

9 (m) "Firearm" has the meaning ascribed to that term in the
10 Firearm Owners Identification Card and Certificate of Firearm
11 Registration Act.

12 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,
13 eff. 6-2-00.)

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.

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20 ILCS 2605/2605-120

was 20 ILCS 2605/55a in part

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20 ILCS 2605/2605-300

was 20 ILCS 2605/55a in part

7

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- 4 740 ILCS 110/12 from Ch. 91 1/2, par. 812
- 5 765 ILCS 1025/1 from Ch. 141, par. 101